

**Description of Amendments to the Subdivision Ordinance**  
(Beginning 11/12/03)

<u>Date</u>	<u>Section(s)</u>	<u>Description</u>
11/12/03	17-72 & 17-83	Relating to Mandatory Use of Water and Sewer
11/12/03	17-83	Relating to Lot and Parcel Standards

## Chapter 17

### SUBDIVISION OF LAND\*

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\*Cross references: Buildings, ch. 5; streets, sidewalks and public places, ch. 16; vacation of streets, easements or plats, § 16-31 et seq.; zoning, ch. 19.

Editor's note: An ordinance of February 21, 2001, § 1, amended this chapter in its entirety. Ch. 17 formerly pertained to similar subject matter, and consisted of §§ 17-1--17-91, which derived from the following: Code of 1978, §§ 18.1-1--18.1-8, 18.1-8.1, 18.1-8.2, 18.1-9--18.1-11, 18.1-12--18.1-24, 18.1-25--18.1-27, 18.1-27.1, 18.1-29--18.1-38, 18.1-38.1, 18.1-39--18.1-50, 18.1-52, 18.1-54, 18.1-55; Ord. of 12-10-97, § 1; Ord. of 11-12-98, § 1; Ord. of 4-28-99, § 1; Ord. of 7-28-99, § 1; Ord. of 10-13-99, § 1; Ord. of 4-8-98, § 1; Ord. of 4-12-00, § 1; Ord. of 10-11-00, § 1; Ord. of 5-25-99, § 1.

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## ARTICLE I. IN GENERAL

### Sec. 17-1. Purpose of chapter.

This chapter is adopted for the following purposes:

- (a) To promote the public health, safety, convenience and general welfare.
- (b) To further the orderly layout and use of land.
- (c) To avoid undue concentration of population and overcrowding of land.
- (d) To lessen congestion in the streets and highways.
- (e) To provide for adequate light and air and for identifying soil characteristics.
- (f) To facilitate adequate provisions for transportation, water, wastewater, storm drainage, schools, parks, and other public requirements.
- (g) To provide for adequate access and mitigating street improvements.
- (h) To ensure proper legal description and proper monumenting of subdivided land.
- (i) To promote safety from fire, flood, panic, and other dangers.
- (j) To facilitate the further resubdivision of tracts or parcels of land.
- (k) To promote the preservation and integration of environmental resources into subdivision layouts.
- (l) To minimize the impact of development on environmental resources.

These regulations are established with reasonable consideration of the character of the county with a view toward conserving the value of buildings upon the land and providing the best possible environment for human habitation. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and development standards contained in the Uniform Statewide Building Code, chapters 18 and 19 of this Code, the comprehensive plan, and other applicable laws and regulations. A copy of this chapter shall be maintained on file in the office of the director of planning.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, §§ 15.2.2240--15.2.2241.

### Sec. 17-2. Definitions.

The definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

*Access:* The right to cross between public and private property allowing pedestrians and vehicles to enter and exit property.

*Adjacent:* Property having a common boundary other than across a street or alley.

*Alley:* As defined by chapter 19.

*Best management practice (BMP):* As defined by chapter 19.

*Block:* As defined by chapter 19.

*Buffer:* A designated area of existing or proposed vegetation, berms, fences or walls intended to address at least one of the following:

- (1) Provide open space between streets, properties and certain uses;
- (2) Preserve existing vegetation or provide for vegetation;
- (3) Provide transition and separation;
- (4) Reduce noise and glare;
- (5) Maintain privacy; and
- (6) Restrict vehicular access.

A buffer may also be a designated area of vegetation intended to provide open space between areas zoned for or used for residential or residential townhouse uses and sensitive environmental or topographic features or historic features to preserve existing vegetation, provide transition and separation, maintain privacy, and control access.

*Buildable footprint:* The area of the building envelope which is in compliance with the building site standards as specified in this Code by having sufficient area to contain the planned structures, but in no case shall any of the four sides of the buildable footprint for single-family detached units have a minimum perpendicular interior dimension less than 25 feet or as required to meet conditions of zoning. Buildable footprints depicted on plats shall demonstrate the ability of the subdivider to comply with all standards and on lots or parcels with onsite disposal systems that the buildable footprint location does not encroach upon the approved disposal site.

*Buildable lot:* A lot that is recorded in accordance with provisions of the Code as well as state law and that has at least one building envelope.

*Buildable parcel:* A parcel that is recorded in accordance with provisions of the Code as well as state law and that has at least one building envelope.

*Building:* As defined by chapter 19.

*Building envelope:* The area of the lot or parcel which is in compliance with the building site standards as specified in this Code. All building envelopes shall have sufficient area to contain the planned structures, but in no case shall any of the four sides of the building envelope for single family detached units have a minimum perpendicular interior dimension less than 25 feet or as required to meet conditions of zoning. Building envelopes shall not include easements unless otherwise approved by the applicable authority.

*Building setback line:* A line within a lot or parcel so designated on a recorded plat or as otherwise established by the Code, and that defines the building envelope.

*Building setback line, front:* As defined by chapter 19.

*Chesapeake Bay Preservation Act (CBPA):* The Chesapeake Bay Preservation Act, Code of Virginia §§ 2100 et seq.

*Code:* The Chesterfield County Code of Ordinances as adopted and amended.

*Common open space:* An area or areas within a development designed and developed for the use or enjoyment of all residents of the development and whose title is or will be held by a homeowners association. Common open space is not a buildable lot.

*Commonwealth:* The Commonwealth of Virginia.

*Comprehensive plan:* An overall guide to manage Chesterfield County's physical growth adopted pursuant to the Code of Virginia, §§ 15.2-2223 et seq.

*Construction plans:* A set of drawings and related specifications for the construction of facilities within or serving a subdivision including, but not limited to, streets, water and wastewater systems, stormwater improvements.

*County:* Chesterfield County, Virginia.

*Cul-de-sac:* A street with only one outlet to another street and having an appropriate terminus for the safe and convenient reversal of traffic movement.

*Director of/chief of:* As defined by chapter 19.

*Easement:* As defined by chapter 19.

*Engineer:* An engineer licensed by the commonwealth.

*Flag lot:* A lot which has a narrow appendage providing the required street frontage and through which access is provided to an enlarged portion of the lot typically located behind another lot that abuts the street. Flag lots shall only be utilized to protect or limit impacts to environmental or historic resources.

*Frontage:* As defined by chapter 19.

*Geographic information system (GIS):* Geographic information system owned and operated by the county.

*Highway engineer:* The Virginia Department of Transportation resident engineer or their designee serving the county.

*Lot:* As defined by chapter 19.

*Lot, corner:* As defined by chapter 19.

*Lot depth:* As defined by chapter 19.

*Lot, interior:* As defined by chapter 19.

*Lot, recorded:* As defined by chapter 19.

*Lot, through:* As defined by chapter 19.

*Lot, width of:* As defined by chapter 19.

*Natural riparian corridor:* Naturally vegetated buffer areas adjacent and contiguous to streams which may include non-isolated wetlands and other water bodies.

*No building permit (NBP):* Lot requires inspection prior to issuance of building permit which serves as the land disturbance permit for single-family residential construction.

*Onsite disposal system:* A sewage disposal system or any other sewage treatment device not connected to the county's public wastewater system approved by the county health

department as being in accordance with the rules and regulations of the state department of health and applicable provisions of this Code.

*Overall conceptual subdivision plan:* A preliminary plan depicting the general layout of street rights of way, lots, major utility lines and drainage facilities as specified in section 17-40.

*Owner:* Any person, group of persons, firm(s), corporation(s), or any other legal entity having legal title to the land sought to be subdivided under this chapter.

*Parcel:* Land not part of a lot-subdivision.

*Planned development:* As defined by chapter 19.

*Planning commission:* As defined by chapter 19.

*Plat, amended:* A recorded alteration of a record plat, or portion thereof, which does not involve a change in property lines. Amendments may include, but are not limited to, name changes and corrections relating to metes and bounds descriptions, coordinate points, floodplain limits, wetland limits, RPA lines, setback lines, drainage easements, buffers, misnumbered lots and text.

*Plat, final check:* The plat of a proposed subdivision of land which meets all the requirements of this chapter and chapter 19, including any accompanying material, as described in division 3 of article II of this chapter, submitted for review and comment prior to the proposed record plat submission.

*Plat, record:* The plat of a subdivision of land which meets all the requirements of this chapter and chapter 19 as well as state laws, including any accompanying material as described in division 3 of article II of this chapter, that has been recorded by the clerk of the circuit court of the county.

*Plat, resubdivision:* A recorded change in a record plat which involves property line alterations. Resubdivisions may include, but are not limited to, combining lots, dividing a lot between adjacent lots and alterations of lot lines.

*Plat, tentative:* A plan showing the required information for a proposed subdivision, in accordance with section 17-38, reviewed and approved by the director of planning or planning commission for purposes of determining conceptual conformity with article II division 2.

*Plat, tentative adjusted:* A plat showing a change(s) to an approved tentative plat. An adjusted tentative is used when change(s) effect more than ten percent of the lots or alters the street layout or which requires changes to approved conditions to achieve conformance with construction plans. Adjusted tentative plats are reviewed and approved by the director of planning in accordance with section 17-32(a)(1)a. or if the adjusted plat is for a tentative approved by the planning commission, it shall be reviewed and approved by the planning commission in accordance with section 17-32(a)(1)b.

*Plat, tentative substitute:* A plat intended to replace an approved tentative plat in accordance with the requirements of section 17-4, showing minor changes including but not limited to: subdivision or street name change(s), an alteration of not more than ten percent of the lots and that does not alter the street layout nor change conditions to achieve conformance with construction plans.



*Plat, validation:* A plat used to correct improper recordation or subdivision as set forth in subsections 17-12(c) through 17-12(f).

*Property:* Any piece, tract, lot, parcel of land or several of the same collected together for the purpose of subdividing.

*Right-of-way:* The property, or interest therein, dedicated for use as a public street which is in or is designated to become part of the Virginia state transportation system.

*Roadway:* That portion of a street paved for use by vehicular traffic.

*Resource management area (RMA):* Resource management area as defined and regulated by chapter 19.

*Resource protection area (RPA):* Resource protection area as defined and regulated by chapter 19.

*Setbacks:* A series of lines established on a lot or parcel based upon the minimum applicable yard requirements set forth in chapter 19, this chapter or otherwise set forth in the Code beyond which no structure may be constructed.

*Stormwater management (SWM):* Measures taken to mitigate the impact of stormwater on the hydrologic cycle resulting from changes to the landscape which occur when land is developed.

*Stormwater management/best management practice (SWM/BMP):* A facility or system whose purpose is to impact stormwater management from both a water quantity and water quality standpoint.

*Street:* As defined by chapter 19.

*Street, arterial:* As defined by chapter 19.

*Street, collector:* As defined by chapter 19.

*Street, eyebrow loop:* A portion of a local street that has an enlarged right-of-way area upon which lots front, incorporating an area of pavement that is separated from the travel lanes by a small landscaped island or an extended pavement width. Eyebrow loop streets are not permitted on residential collectors, collectors, or arterial streets. The maximum depth of an eyebrow loop street shall be less than two times the required right-of-way width as measured from the adjacent right-of-way line of the through street to the inside right-of-way line of the eyebrow or similar location if the eyebrow is totally contained within right-of-way.

*Street, limited access:* As defined by chapter 19.

*Street, local:* As defined by chapter 19.

*Street, loop:* A local street that has two points of intersection onto a street. The minimum depth of a loop street shall be not less than three times the required right-of-way width as measured from the adjacent right-of-way line of the through street to the inside right-of-way line of the loop or similar location if the loop is totally contained within right-of-way.

*Street, residential collector:* A street which is projected to carry average daily traffic volumes above the acceptable level established by the planning commission Stub Road Policy and typically does not permit access to individual lots except as provided for by section 17-77.

*Street, stub:* A street which is shown on a subdivision plat to terminate at adjacent property to provide access for future development.

*Structure:* As defined by chapter 19.

*Subdivider:* Any owner, proprietor or contract purchaser of a lot or tract of land or their duly authorized representative including planners, architects, landscape architects, surveyors, engineers and others having training and experience in subdivision planning or design, who undertake the subdivision of land as defined herein.

*Subdivision, lot:* The division of any parcel of land for residential or residential townhouse use, into two or more lots, any one of which is less than five acres, or which has street frontage on which access is located of less than 300 feet or 250 feet if a legally established access shared by no more than two lots is used, for the purpose, either immediate or future, of transfer of ownership or development for residential or residential townhouse use. Lot subdivisions shall exclude:

- (1) Family subdivisions as defined in residential parcel subdivision.
- (2) Granting or extinguishing easements, and division of land for augmented estates, subordination or lien priority, plats of confirmation and open space not directed at the creation of lots or parcels for sale, and not done for the purpose of circumventing this chapter.
- (3) Division of any parcel of land for residential use, into two or more parcels which are each more than five acres.
- (4) Division of land with commercial or industrial zoning as defined by chapter 19 of this Code for the purpose of office, business, or industrial development.

*Subdivision, conventional:* A subdivision for single family dwellings or two family dwellings as defined in chapter 19, including but not limited to: dwellings with standard lot setbacks, dwellings with specified bulk requirements, zero lot line dwellings, z-lot dwellings, and cluster dwellings.

*Subdivision, minor:* A lot subdivision which is exempted from the tentative plat approval requirement and conforms to all of the following:

- (1) Not more than five lots fronting on an existing local street;
- (2) Does not create any new streets;
- (3) Does not require the extension of wastewater or water lines;
- (4) Does not require the installation of stormwater improvements as determined by the director of environmental engineering;
- (5) Is in compliance with provisions of the Chesapeake Bay Protection Act by having an average lot size of one acre, is opted out, and is outside the Swift Creek Reservoir drainage area;
- (6) Conforms to the provisions of this chapter;
- (7) Provides for right-of-way as shown in the thoroughfare plan and bulk requirements of the zoning ordinance.

*Subdivision, residential parcel:* The division, per article II division IV, of any parcel of land for residential use, into two or more parcels all of which are more than five acres, and which:

- (1) Have frontage of not less than 300 feet or 250 feet if a legally established access shared by no more than two parcels is used on an existing street, and;
- (2) Access to the parcel is provided within the area of required frontage, and;
- (3) The required minimum parcel width, per (1) above, is maintained for a depth required to create a five acre parcel or in an arrangement approved by the director of planning after determining that the configuration is appropriate based upon limitations imposed by the parcel shape and environmental features on the parcel and is not for the purpose of circumventing this subsection.

a. Residential parcel subdivisions shall include:

Family subdivisions which shall be defined as a single division of land to create a lot or a parcel for the purpose of a sale or gift to a member of the immediate family of the property owner including a partition of property owned by immediate family members. Only one such division shall be allowed per family member and shall not be for the purpose of circumventing this chapter. For the purpose of this subsection, a member of the immediate family shall be defined as any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent or parent of the owner. Family subdivision shall comply with all applicable requirements of the zoning ordinance and the standards set forth in this chapter. Access shall be provided as required by the Code of Virginia.

b. Residential parcel subdivisions shall exclude:

Granting or extinguishing easements, and division of land for augmented estates, subordination or lien priority, plats of confirmation and open space, not directed at the creation of lots or parcels for sale, and not done for the purpose of circumventing this chapter.

*Subdivision, parcel property line modification:* An existing legally created parcel that may or may not meet the current area or dimensional requirements of this chapter and chapter 19 may be altered to increase the parcel area subject to the requirements of section 17-44 (b).

*Subdivision, recorded:* A subdivision that has been approved by the county in accordance with this chapter and has been duly recorded by the clerk of the court of Chesterfield County.

*Subdivision, townhouse:* A subdivision for townhouses as defined in chapter 19.

*Subdivision, unrecorded:* A proposed tentative or final check plat that has been officially submitted for approval by the county in accordance with this chapter and has not been recorded by the clerk of the court of Chesterfield County.

*Subdivision standards:* The basic land-planning standards established in this chapter and chapter 19 as guides for the preparation of plats.

*Surveyor:* A certified land surveyor authorized under the laws of the Commonwealth.

*Tract:* See Parcel.

*Vicinity sketch:* A location map of the subdivision with the existing streets and street names which provide access shown to a scale of one inch equals 2,000 feet.

*Water supply, individual well:* A well supplying a source of water to one lot.

*Water supply, public system:* A water supply and distribution system owned and operated by the county.

*Wastewater, public system:* A wastewater system owned and operated by the county.

*Wetlands:* As defined by chapter 19.

(Ord. of 2-21-01, § 1; Ord. of 6-18-03, § 1)

Cross references: Definitions and rules of construction generally, § 1-2.

State law references: Code of Virginia, §§ 15.2-2240.

### **Sec. 17-3. Interpretation of chapter.**

(a) The provisions of this chapter are the minimum requirements for the promotion of the public health, safety, convenience and general welfare.

(b) Where the conditions imposed by this chapter are different from the comparable conditions imposed by any other provisions of this chapter or of any other applicable regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

(c) This chapter is not intended to invalidate any easement, covenant, or other private agreement; provided, that where the regulations of this chapter are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement, the requirements of this chapter shall govern.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, §§ 15.2-2240.

### **Sec. 17-4. Administration of chapter.**

(a) The director of planning is hereby delegated the authority to administer this chapter.

(b) The director of planning shall perform all duties regarding subdivision and subdividing in accordance with this chapter and applicable state law.

(c) The director of planning may call on opinions or decisions, either verbal or written, from county officials in considering details of any submitted plat.

(d) The director of planning may, from time to time, establish any reasonable administrative procedures deemed necessary for the proper administration of this chapter.

(e) The director of planning may accept a substitute tentative plat in lieu of the approved tentative plat. The director shall, as a part of the acceptance, determine that the substitute plat has no substantive impact on an appealable issue. The director shall advise the subdivider if the plat is acceptable without providing additional notice or appeal rights.

(f) Notwithstanding the above, the directors of environmental engineering, transportation and utilities shall administer the improvements required by sections 17-72--17-74.  
(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2241.

**Sec. 17-5. Transfer or sale without approved plat prohibited.**

No person shall subdivide land without making and recording a plat of the subdivision and without fully complying with the provisions of this chapter of the Code. No plat of any subdivision shall be recorded unless and until it has been submitted to and approved by the planning commission or director of planning. No person shall sell or transfer any lot or parcel of an unrecorded subdivision, before a plat has been duly approved and recorded in the circuit court clerk's office.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2254.

**Sec. 17-6. Building permit restrictions.**

(a) No building permit shall be issued for the construction of any building or structure on a lot or parcel if the lot or parcel is created or established in violation of the provisions of this chapter.

(b) No building permit shall be issued on a proposed lot that has not been recorded.

(c) No building permit shall be issued on a lot or parcel which is not in compliance with chapter 8 of the Code of Chesterfield County.

(d) No building permit shall be issued on parcels recorded after February 27, 2001 that have not been reviewed and approved in accordance with article II, division 4 of this chapter.

(e) No building permit shall be issued on a lot or parcel until such time the county has assigned all necessary coding and addressing.

(f) Parcels and/or lots recorded prior to January 1, 1980 shall be considered buildable if they meet all standards relative to the appropriate zoning district. If frontage and width standards cannot be met, the parcel or lot is eligible to apply for a variance. Lots or parcels created or modified from April 13, 1948 to January 1, 1980 shall be considered buildable if they are validated per provisions of subsections 17-12(c) through 17-12(f).

(g) Parcels recorded between January 1, 1980 and August 24, 1988, shall be considered buildable if:

- (1) The parent parcel was only split once into two parcels, each meeting all zoning standards; or
- (2) The parent parcel was split for immediate family members. If all zoning standards cannot be met, the parcel or lot is eligible to apply for a variance; or
- (3) The parent parcel was split several times into "exemption lots" whereby each lot has a minimum of 30,000 square feet and a minimum of 125 feet of frontage,

provided that 75 feet from the center line of the street the parcel width measures a minimum of 150 feet. The last parcel remaining may meet the minimum standards relative to that zoning district; or

- (4) Lots or parcels are validated per provisions of subsections 17-12(c) through 17-12(f).

(h) Parcels recorded between August 25, 1988 and June 22, 1993, shall be considered buildable if the utilities and health departments confirm that the parcel complies with the utility connection requirements or the increased bulk standards related to the usage of well and septic, and:

- (1) The parent parcel was only split into parcels containing a minimum of five acres and a minimum of 200 feet of frontage and a minimum of 150 feet of width at the required minimum building setback or building location; or
- (2) The parent parcel was split for immediate family members. If all zoning standards cannot be met, the parcel is eligible to apply for a variance; or
- (3) Lots or parcels are validated per provisions of subsections 17-12(c) through 17-12(f).

(i) Parcels recorded between June 23, 1993 and June 30, 1999, shall be considered buildable if the utilities and health departments confirm that the parcel complies with the utility connection requirements or the increased bulk standards related to the usage of well and septic, and:

- (1) The parent parcel was only split into parcels containing a minimum of five acres and a minimum of 300 feet of frontage or 250 feet of frontage if there is a shared common access and a minimum of 150 feet of width at the required minimum building setback or building location; or
- (2) The parent parcel was split for immediate family members. If all zoning standards cannot be met, the parcel or lot is eligible to apply for a variance; or
- (3) Lots or parcels are validated per provisions of subsections 17-12(c) through 17-12(f).

(j) Parcels recorded between July 1, 1999 and February 28, 2001, shall be considered buildable if the utilities and health departments confirm that the parcel complies with the utility connection requirements or the increased bulk standards related to the usage of well and septic, and:

- (1) The parent parcel was only split into parcels containing a minimum of five acres and a minimum of 300 feet of frontage or 250 feet of frontage if an access shared by no more than two lots or parcels is used, for a depth of 1,000 feet or that necessary to create a five acre parcel. Access to the lots or parcels shall be from the location of the frontage; or
- (2) The parent parcel was split for immediate family members. If all zoning standards cannot be met, the parcel or lot is eligible to apply for a variance; or
- (3) Lots or parcels are validated per provisions of subsections 17-12(c) and 17-12(f).

(Ord. of 2-21-01, § 1; Ord. of 6-18-03, § 1)

State law references: Uniform Statewide Building Code, (USBC) § 108.1.

**Sec. 17-7. Tentative, final check and record plats to comply with chapter.**

No plat of a subdivision shall be approved which does not comply with all of the provisions of this chapter.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, §§ 15.2-2254.

**Sec. 17-8. Alternatives to chapter provisions.**

Unless mandated by state code, the director of planning or planning commission may approve alternatives to the general provisions of this chapter in cases of unusual situations or where strict adherence to these general regulations would result in substantial injustice or hardship. The director of planning may refer any request to the planning commission. Such alternatives shall substantially comply with the provisions of this chapter so that justice may be done and the public interest secured. Such alternatives shall not have the effect of nullifying the intent and purpose of this chapter; and the alternative shall not be approved unless the subdivider presents evidence that:

- (a) The granting of the alternative will not be detrimental to the public safety, health or welfare, or injurious to other property or improvements in the neighborhood in which the property is located;
- (b) The conditions upon which the request for an alternative is based are unique to the property for which the alternative is sought, and are not applicable, generally, to other property;
- (c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the provisions of this chapter were carried out; and
- (d) The purpose of the alternative is not based exclusively upon a financial consideration.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2242.

**Sec. 17-9. Conditions.**

In approving alternatives, the director of planning or planning commission may impose such conditions specifically related to the impact of the proposed subdivision as may be deemed necessary to secure substantially the objectives of the standards and requirements of this Code.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2242.

## **Sec. 17-10. Planned developments.**

The standards and requirements of this chapter may be modified in the case of planned developments when the planning commission or director of planning finds the developments provide adequate public spaces, improvements for the circulation of traffic, recreation, light, air, stormwater management, and public utilities service needs for the fully developed tract, and also provide such covenants or other legal provisions as will assure conformity and achievement of the comprehensive plan.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2242.

## **Sec. 17-11. Fees.**

The fees for processing subdivisions by the county shall be payable upon submission of the plats to the county for tentative or final approval and shall be equal to the following:

- (a) Tentative subdivision approval, or resubmittal of an expired previously approved tentative:
  - (1) Original submittal, including up to two resubmittals . . . \$330.00  
Plus, per lot . . . 20.00
  - (2) Renewal of previously approved tentative, including up to two resubmittals in accordance with provisions of section 17-32 . . . 330.00  
Plus, per lot . . . 20.00
  - (3) Third and subsequent submittal for (1) and (2), per submittal . . . 220.00
  - (4) Substitute to approved tentative, per submittal . . . 60.00
  - (5) Adjusted tentative for previously approved tentative, including up to two resubmittals . . . 330.00  
Plus, per lot . . . 20.00  
Third and subsequent submittal, per submittal . . . 220.00
- (b) Final check, amended and resubdivision plat review:
  - (1) Final check subdivision plat review . . . 720.00  
(Only one base fee will be required for final check plats required to be submitted in multiple sections due to provisions of section 17-42.)  
Plus, per lot . . . 10.00
  - (2) Final check resubdivision plat review . . . 560.00  
Plus, per lot . . . 10.00
  - (3) Final check amended plat review . . . 330.00  
Plus, per lot . . . 10.00
- (c) Minor subdivision plat review . . . 330.00



- (d) Residential parcel subdivision, per parcel . . . 35.00
  - (e) Parcel line modification review, per parcel . . . 25.00
  - (f) Appeal of decision of director of planning . . . 290.00
  - (g) Onsite sewage disposal system soils analysis review, per lot/parcel . . . 155.00
  - (h) Request by applicant to defer Planning Commission consideration of plat, per request:
    - (1) 40 or fewer days . . . 250.00
    - (2) More than 40 days . . . 150.00
  - (i) Request by applicant for engineering department to transfer to electronic format such non-electronic information for townhouse projects regarding contours, boundaries of impervious areas and delineation of storm sewer lines as set forth in section 17-32(d) . . . 75.00
  - (j) Alternatives to chapter per section 17-8 . . . 380.00
- Plus any applicable plat review fee

(Ord. of 2-21-01, § 1; Ord. of 6-26-02, § 1; Ord. of 10-9-02, § 1; Ord. of 4-9-03, § 1)

State law references: Code of Virginia, § 15.2-2241.

#### **Sec. 17-12. Legal remedies for violations.**

(a) In addition to the penalties specified in section 17-13, the county administrator or director of planning may institute any appropriate action or proceedings to prevent such violation or attempted violation of this chapter and to restrain, correct or abate such violation or attempted violation.

(b) The board may exempt a parcel from the subdivision ordinance as a condition of a CUPD when requested in writing by a bona fide purchaser of such parcel without notice that the parcel was created in violation of the provisions of this chapter where the following additional circumstances exist:

- (1) The parcel is zoned agricultural (A); and
- (2) The parcel is located in an area that is designated for rural conservation on the comprehensive plan; and
- (3) A building permit was issued for the parcel at a time when the parcel was legally configured.

(c) Plats recorded prior to February 28, 2001 that created or modified parcels or lots in violation of the subdivision ordinance in effect at the time of recordation are hereby deemed to be in compliance with the requirements of the subdivision ordinance.

(d) Prior to the issuance of a building permit on a lot or parcel identified in section 17-12 (c), the owner must comply with the following:

- (1) The property owner shall submit an application for preparation of a validation plat, provide the county with a copy of the previously recorded plat of the subject

property and participate in the recordation of a validation plat. If there is no existing plat, the owner shall have a plat prepared to present to the county depicting the overall boundary of the parcel or lot and any improvements thereon. The property owner shall be responsible for applicable recordation fees.

- (2) The lot or parcel must contain no new property divisions done after February 28, 2001; and
  - (i) Must meet all area and dimensional requirements such as, but not limited to lot area, lot width, lot coverage, setbacks, building height and frontage for the applicable zoning district at the time it was created; or
  - (ii) The property owner secures relief through the variance or the zoning process as applicable.
- (e) The planning department shall prepare a validation plat that includes the following matters:
  - (1) The plat sheet(s) shall be 16 inches by 24 inches or in another form accepted by the clerk of the circuit court.
  - (2) Complete names of all owners of the property.
  - (3) Property county tax identification number(s).
  - (4) A scanned image of any available signed and sealed plat previously prepared by a certified professional engineer as applicable or land surveyor.
  - (5) A notarized subdivision certificate stating:

"The recordation of this plat depicting property hereto described below is with the free consent and in accordance with the desire of the undersigned owner(s). This plat may have been prepared without a full title search and may not depict all existing easements and encumbrances."

(Insert deed or plat book and page reference)
  - (6) The following information shall be noted on the plat:
    - (i) Zoning classification(s), and applicable variance and or zoning case number(s);
    - (ii) Type of wastewater and water service;
    - (iii) Total subdivision acreage;
    - (iv) Depiction of the lot or parcel from current county maps.
  - (7) One of the following notes as applicable indicating the purpose and action taken by the recordation of the plat:
    - (i) This plat depicts a (lot/parcel) that was created in violation of the provisions of the subdivision ordinance in place at the time of recordation; or
    - (ii) This plat depicts a lot that was modified in violation of the provisions of the subdivision ordinance in place at the time of recordation.

- (8) The following note shall be shown on the plat:

Advisory certificate. "The mapping information is not intended to represent all topographic and environmental features on the lot or parcel which could limit or preclude buildability. Additional engineering research on such items as, but not limited to: soil type, wetlands, floodplains, adequate culverts for driveways crossings of streams or floodplains, etc. may be required based upon individual parcel requirements at time of building permit review."

- (f) The following procedure shall be followed for preparation and recordation of the validation plats:

- (1) The property owner shall submit a copy of the mortgage or survey plat for the property depicting the limits of the property and any improvements thereon to the director of planning.
- (2) Within five working days after submittal, an authorized staff member of the planning department shall scan the plat and prepare the validation plat as noted in section 17-12(e) and advise the property owner that the plat is ready for their signature which shall serve as authorization to record the plat. If the clerk of the circuit court authorizes the use of electronic signatures, the applicant may submit the signature when the plat is provided to the planning department.
- (3) After the property owner signs the plat, the director of planning shall sign the plat and have it recorded in the clerk's office of the circuit court of the county.
- (4) One copy of the plat will be forwarded to GIS and one copy will be returned to the property owner.
- (5) After recordation, any building permit approvals being withheld by the planning department solely based upon platting issues shall be released and GIS shall remove any intervening prior property lines from county maps and assign a single property identification number.

(Ord. of 2-21-01, § 1; Ord. of 6-18-03, § 1)

State law references: Code of Virginia, §§ 15.2-2241, 15.2-2254, 15.2-2255.

### **Sec. 17-13. Penalties.**

Any person violating the provisions of this chapter shall be subject to a judicially imposed fine in the appropriate court of not more than \$500.00 for each lot or parcel of land so subdivided or transferred or sold; the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2254.

**Secs. 17-14--17-30. Reserved.**

## **ARTICLE II. PLATS AND PLATTING**

### **DIVISION 1. GENERAL**

#### **Sec. 17-31. Subdivision layout.**

The director of planning or the planning commission, in the examination of subdivision plats for approval, shall take into consideration the comprehensive plan, the community, and the best layout of the land being subdivided. Attention shall be given to items including but not limited to: rights of way width, location of streets, suitable sanitary utilities, stormwater management, lot arrangements, and public facility requirements such as parks, schools, and other facilities.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2241.

#### **Sec. 17-32. Procedure for lot subdivision approval.**

- (a) Following is a summary of the approval procedure for subdivisions.
- (1) All proposed lot subdivisions, except minor and parcel subdivisions, must submit a tentative plat for approval in accordance with division 2 of this article. Tentative plats are submitted to the director of planning. The subdivider may specify whether the plat is to be reviewed administratively or by the planning commission.
- (2) An overall conceptual subdivision plan shall be submitted if the subdivision will be developed in phases, contains mixed uses, or if such a plan is required by a condition of zoning.
- (3) Changes to an approved tentative plat shall be submitted as an adjusted plat or a substitute plat, in accordance with section 17-4.
- (4) Approved tentative plats shall be valid for five years from the date of approval. Adjusted and substitute tentative plats shall expire on the date of the initial tentative expiration.
- (5) Once a tentative plat is approved, construction plans may be submitted for undeveloped subdivisions. The construction plans shall be submitted to the director of environmental engineering. Once construction plans are approved, a land disturbance permit may be issued.
- (6) Final check plats may be submitted for approval any time after approval of a tentative plat and construction plans, if required. Final check plats are required for all previously unrecorded lot subdivision plats, amended or resubdivision plats and minor subdivisions.
- (7) After the final check plat has been reviewed and commented upon by the planning commission or director of planning, the subdivider may submit the record plat for

recordation. Once the record plat has been recorded, lots in the subdivision may be sold.

- (8) Changes to a record plat may be made by submitting an amended or resubdivision plat in accordance with sections 17-35 and 17-36.
- (b) Procedure for approving tentative plats, adjusted tentative plats and tentative renewals.
  - (1) Unless otherwise required, completed applications and plats submitted by subdividers to the director of planning, shall be reviewed and approved under the administrative review and approval procedure set forth in subsection (a) of this section unless the subdivider elects to submit the completed application and plat for review and approval under the planning commission review and approval procedure set forth in subsection (b) of this section. During the administrative review procedure, the subdivider or director of planning may amend the application and refer the plat to the planning commission for approval. The submission to the director of planning of a completed application shall grant the county and its agents the right to enter the property at all reasonable times for the purpose of inspecting the property in conjunction with the review of the proposed subdivision.
    - a. The following procedure shall be followed for administrative review and approval of tentative plats and adjusted tentative plats:
      - 1. The subdivider shall prepare a tentative plat for all proposed subdivisions excluding minor subdivisions in accordance with the provisions of division 2 of this article, and submit such plat to the director of planning who shall determine that the plat is in conformity with the provisions of this chapter, and obtain recommendations from the applicable departments and other public entities. The subdivider shall have the right to defer receipt of the recommendations for a maximum of 90 calendar days from the date of submission. The deferral request shall be made in writing to the director of planning. After receipt of such recommendations, the director of planning shall:
        - (i) Approve such graphically correct tentative plat submission with or without conditions. Approval shall be made not less than 22 calendar days nor more 30 calendar days after receipt of a complete tentative plat submission unless the subdivider requests a deferral, or
        - (ii) Disapprove the tentative plat providing written findings giving specific reasons for disapproval to the subdivider within 30 calendar days after receipt of a complete tentative plat submission unless the subdivider requests a deferral. Such reasons shall relate to issues which prevent the approval of the plat.

- (iii) Refer the plat to the planning commission for review, if the director receives written request from an adjacent property owner or property owner directly across the street from the property or an adjacent property owner within 15 calendar days of the date of the sign posting and such request relates to the proposed location of streets, water, wastewater, stormwater conveyance systems, and stormwater facilities or to the implementation of conditions of zoning required to be complied with at time of tentative plat approval.
    - (iv) If the director of planning fails to approve or disapprove a tentative plat, adjusted plat or tentative renewal within 60 calendar days after submittal of the tentative, unless the subdivider requests a deferral, the subdivider may petition the Chesterfield Circuit Court in accordance with state law.
  - 2. Approved tentative plats shall be valid for five years from the date of approval. Adjusted and substitute tentative plats shall expire on the date of the initial tentative expiration.
  - 3. Tentative plat renewals shall be prepared and submitted in accordance with section 17-32(b) for initial tentative plat approval. Applications for tentative renewal shall be submitted at least 30 calendar days prior to expiration. The director of planning may renew tentative plats for additional five-year periods subject to all previously imposed conditions or impose new conditions based upon applicable codes and ordinances not in effect at the time of the original approval or changes in the built environment. When the subdivider proposes changes to the approved tentative, renewal requests shall be evaluated by the director of planning who may deem the submission to constitute a new tentative plat.
  - 4. The planning commission reserves the right to recall any portion of an approved tentative plat that has not been recorded.
- b. The following procedure shall be followed for planning commission review and approval of tentative plats:
  - 1. The subdivider shall prepare a tentative plat which is in accordance with the provisions of division 2 of this article. The director of planning shall obtain the recommendations from the applicable departments and other public entities and submit a report to the planning commission outlining the recommendations. After receipt of such report, the planning commission shall make one of the following two decisions.
    - (i) Approve such tentative plat with or without conditions within 60 calendar days after submission of the completed application including a referral of the final approval to staff to insure that any required graphical changes are made.

Deferral of approval of the plat at the subdivider's request to enable the subdivider to make changes shall be deemed to extend the decision deadline date.

- (ii) Disapprove the tentative plat within 60 calendar days after submission of the completed application. Written findings giving specific reasons for disapproval shall be reported to the subdivider at the time of disapproval. Such reasons shall also state the modifications or corrections as will permit approval of the plat. Deferral of approval of the plat at the subdivider's request to enable the subdivider to make changes shall be deemed to extend the decision deadline date.

If the planning commission fails to approve or disapprove a tentative plat, adjusted plat or tentative renewal within 60 calendar days after submission of the completed application the subdivider may petition the Chesterfield Circuit Court in accordance with state law. Any deferral at the subdivider's request shall be deemed to have extended the decision deadline date.

- 2. Approved tentative plats shall be valid for five years from the date of approval. Adjusted and substitute tentative plats shall expire on the date of the initial tentative expiration.
  - 3. Unless specifically approved otherwise, adjustment or renewal of tentative plats approved by the planning commission will be performed by the planning commission pursuant to provisions of section 17-32(b)(1)c.
  - 4. The planning commission reserves the right to recall any portion of an approved tentative plat that has not been recorded.
- c. Procedure for posting of public notices on property.
- 1. The director of planning upon receipt of a tentative, adjusted tentative, tentative renewal or minor subdivision final check plat application shall post a sign on the subject property to inform the public of the application. Such posting must occur for at least 21 calendar days before:
    - (i) The planning commission hearing on any adjusted tentative, tentative renewal or minor subdivision final check plat, or
    - (ii) The date of administrative approval of a tentative, adjusted tentative, tentative renewal or minor subdivision final check plat.
  - 2. No approval of an initial tentative submission may occur until after the 21-day notice period. An application will not be considered complete until the 21-day notice period has expired. If the director

of planning receives written notice from an adjacent property owner or property owner directly across the street from the property or an adjacent property owner concerned about conditions solely relating to the proposed location of streets, water, wastewater, stormwater conveyance systems, and stormwater facilities or to the implementation of conditions of zoning required to be complied with and implemented at the time of tentative approval, within 15 calendar days of the posting of the sign for a plat under administrative review, the director shall refer the plat to the planning commission for review. The review will be conducted as set forth in subsection b.

3. The notice provided for by this section shall also be posted at reasonable intervals along streets abutting the subject property, or, if there is no abutting street, then at the proposed street entrance to the property. The notice shall be posted in locations so as to be reasonably visible from the street(s). The validity of any action on an application, or an appeal as provided for in this section, shall not be affected by the unauthorized removal of a notice which has been duly posted in accordance with this section.

d. Procedure for review of construction plans.

1. Prior to submitting construction plans, subdividers shall obtain tentative plat approval.
2. All construction plans shall be submitted to the director of environmental engineering for distribution to applicable departments and agencies for review and approval.
3. Issuance of a land disturbance permit by the erosion and sediment program administrator shall constitute notification that the construction plans have been approved.
4. For all projects involving townhouses, prior to the issuance of a land disturbance permit, the property owner or his agent shall deliver to the director of environmental engineering in electronic format such as DXF for AutoCADD, or other electronic format acceptable to the director, the following information: (i) proposed contours for the approved construction plans, (ii) boundaries of all impervious areas for the approved construction plans, and (iii) delineation of storm sewer lines and associated structures for the approved construction plans. In lieu of the foregoing, the property owner or his agent may submit the required information in a non-electronic format upon payment to the environmental engineering department of the fee stated in section 17-11 to reimburse the county's costs of transferring the information to the required electronic format.

e. Procedure for review of final check plats.



1. Prior to submitting final check plats for subdivisions that require construction plans, subdividers shall submit those plans and obtain approval from the director of environmental engineering.
2. Final check plats shall be submitted for all previously unrecorded subdivision plats, amended or resubdivision plat and minor subdivisions.
  - (i) The subdivider shall prepare and submit to the director of planning paper copies of the final check plat incorporating all requirements of an approved and non-expired tentative plat and approved construction drawings and in accordance with the provisions of division 3 of this article. However, the tentative plat may expire during the final check process.
  - (ii) A subdivider proposing an amended or resubdivision plat shall prepare and submit to the director of planning paper copies of the final check plat in compliance with the provisions of division 3 of this article.
  - (iii) A subdivider proposing a minor subdivision shall prepare and submit to the director of planning paper copies of the final check plat in compliance with the provisions of division 3 of this article. Conditions imposed on the project resulting from the review of a minor subdivision shall be considered tentative plat approval conditions. Notice of the proposed minor subdivision shall be posted on the affected property as required in section 17-32. Administrative delivery of conditions to the subdivider shall constitute a final review of the plat.
3. The director of planning shall review the final check plat and all necessary certificates to determine its conformity with the approved tentative plat if applicable and the requirements established in this chapter and obtain comments from other departments and public entities within 30 calendar days of its submission unless the time is extended by written request of the subdivider. The director of planning shall notify the subdivider of required changes to incorporate in the preparation of the record plat; or send such plat to the planning commission for their recommendation as to final action thereon if the subdivider and director of planning differ as to the plats compliance with requirements of the Code or tentative conditions.
4. The director of environmental engineering shall review the plat and verify the items required in section 17-43 have been provided, and
  - (i) The Richmond Regional/Crater Planning District road name approval is current.

- (ii) Payment in the appropriate amount, made to the treasurer of Chesterfield County, has been provided for new street signs and the streetlight fees including the program administration fee.
  - (iii) All bonding required by section 17-73 is in force.
  - (iv) A copy of the subdivider's snow removal contract has been received.
  - (v) All erosion control ordinance requirements, including satisfactory implementation and/or maintenance of erosion control measures in the field, have been fulfilled.
  - (vi) No areas within any proposed subdivision or resubdivision plat shall be set aside for future use or otherwise carry the designation "reserved."
- 5. After the final check plat has been reviewed and commented upon by the director of planning, the subdivider may submit the record plat for recordation incorporating the final check plat comments.
- 6. Final check plat review comments are valid for a period of six months during which time the record plat must be submitted for approval. If record plats are not submitted within this period, the subdivider shall submit a new application, fee and final check plat for review.
- f. Procedure for approval of record plats.
  - 1. The subdivider shall submit to the director of planning one print conforming to the Virginia State Library and Archives Standards for plats and two transparencies (photographic positive polyester film) of the record plat.
  - 2. An authorized staff member of the planning department shall review and sign the plat if it is determined to be in compliance with the planning department's final check comments. The plat will then be forwarded to the director of environmental engineering.
  - 3. After the authorized staff member of the planning department signs the plat, the director of environmental engineering shall review the plat and verify the items required in section 17-43 have been provided and,
    - (i) The plat has been approved for recordation by the assessor's office and GIS to include house numbering.
    - (ii) The Richmond Regional/Crater Planning District road name approval is current.
    - (iii) Payment in the appropriate amount, made to the treasurer of Chesterfield County, has been provided for new street

signs and the streetlight fees including the program administration fee.

- (iv) All bonding required by section 17-73 is in force.
- (v) A copy of the subdivider's snow removal contract has been received.
- (vi) All erosion control ordinance requirements, including satisfactory implementation and/or maintenance of erosion control measures in the field, have been fulfilled.

If the plat is determined to be in compliance with the above and applicable sections of the Code, the director of environmental engineering shall sign the plat. The director of environmental engineering shall not approve a plat that has not been verified by either the director of utilities as meeting utility requirements or the director of the health department if utilizing wells and/or onsite disposal. The subdivider shall have six months from the date of submission of the record plat to achieve compliance and obtain approval from the director of environmental engineering. If the subdivider fails to obtain approval within that timeframe, the subdivider shall resubmit the plat, with a new application and fee beginning at the final check plat submission. The tentative plat must be current if a resubmission is required.

- 4. The director of environmental engineering shall return the plat to the director of planning who shall sign the plat upon receipt. The director of planning shall not approve a plat for recordation that has not been approved by the director of environmental engineering. Administrative approval or disapproval shall constitute a final decision on the plat.

Once the plat has been approved by all applicable departments, the director of planning shall submit the print to be recorded in the clerk's office of the circuit court of the county, retain one mylar for the planning department and send the second mylar to the environmental engineering department.

(Ord. of 2-21-01, § 1; Ord. of 10-9-02, § 1)

State law references: Code of Virginia §§ 15.2-2258--15.2-2261.

### **Sec. 17-33. Procedure for appeals.**

(a) If the director of planning or the planning commission does not act upon the proposed tentative plat within 60 calendar days from the date the completed application has been submitted, the subdivider, after ten calendar days written notice to the planning commission, may petition the circuit court of the county to decide whether the plat should or should not be approved in accordance with state law. Deferral of approval of the tentative plat at the subdivider's request to enable the subdivider to make changes shall be deemed to extend the decision deadline date.

(b) If the director of planning or the planning commission takes action on a tentative plat and the subdivider contends that such action was not consistent with this chapter, or was arbitrary or capricious, an appeal may be filed with the circuit court of the county in accordance with state law.

(c) If the director of planning or the planning commission does not act upon the proposed final check or record plat within 60 calendar days from the date the application was submitted, the subdivider, after ten calendar days written notice to the planning commission, may petition the circuit court of the county to decide whether the plat should or should not be approved in accordance with state law. Deferral of approval of the plat at the subdivider's request to enable the subdivider to make changes shall be deemed to extend the decision deadline date.

(d) If the director of planning or the planning commission takes action on a final check or record plat and the subdivider contends that such action was not consistent with this chapter, or was arbitrary or capricious, an appeal may be filed with the circuit court of the county in accordance with state law.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, §§ 15.2-2259, 15.2-2260.

**Sec. 17-34. Vacation, alteration, etc., of recorded subdivision.**

Record plats may be changed, altered or vacated as provided by state law and section 16-31 of the County Code.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, §§ 15.2-2270--15.2-2278.

**Sec. 17-35. Amended and resubdivision plats.**

(a) All amended or resubdivision plats shall be submitted to the director of planning for review prior to recordation. If based upon a review of the proposed alteration to the record plat, the director of planning determines that the changes to the record plat are of a sufficient magnitude to require a new tentative plat, the amended or resubdivision plat shall not be approved and a new tentative plat must be submitted and approved in accordance with section 17-32(1). No amended or resubdivision plats shall be recorded until approved in the same manner as record plats per section 17-32(5).

(b) In districts zoned for residential or residential townhouse uses, no resubdivision shall be approved where the newly created lot(s) are smaller than the average lot size and lot width of other lots in that block. However, this requirement shall not apply to the resubdivision of lots within an existing subdivision where the purpose is to adjust lot lines and no new lots are created, or where the resubdivision involves a submission of a new tentative plat that incorporates more than 90 percent of the originally recorded block or section.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2275.

**Sec. 17-36. Recordation of subdivision plat prior to compliance with zoning ordinance prohibited.**

No plat for a lot subdivision shall be recorded unless the land is included within a residential, or townhouse residential zoning district, or is a residential use in a commercial zoning district as defined by chapter 19 of this Code.

(Ord. of 2-21-01, § 1)

**DIVISION 2. PREPARATION AND CONTENTS OF TENTATIVE PLATS**

**Sec. 17-37. General.**

(a) Every proposed lot-subdivision excluding minor subdivisions shall be submitted to the director of planning or the planning commission for tentative approval in accordance with the provisions of section 17-32 in the form of a tentative plat prior to the submission of a final check plat. The tentative plat is not intended to be a final check plat and shall be prepared in such form as not to be confused with a final check plat. Its purpose is to show graphically all facts needed for the director of planning or the planning commission and other public entities to determine whether the proposed subdivision layout is in compliance with state law, the Code and conditions of zoning approval. The plat shall be prepared by the subdivider (i.e., the owner of the land, planners, architects, landscape architects, surveyors, engineers and others having training and experience in subdivision planning or design).

(b) The graphic and descriptive items set out in section 17-38 are required to be shown on the tentative plat. The lack of information under any item specified herein, or improper information supplied by the subdivider, may be cause for rejection as an incomplete application or disapproval of a tentative plat.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2260.

**Sec. 17-38. Required information.**

Written application for approval by the subdivider, shall accompany each submittal of a tentative, substitute, adjusted, or tentative renewal plat. The tentative plat shall be drawn at a scale no greater than one inch equals 50 feet for townhouse subdivisions; other subdivisions shall be at a scale of one inch equals 100 feet. Variations in scale may be made upon request at the discretion of the director of planning. The plat shall show correctly the following information:

- (a) Name for file identification.
  - (1) Name of subdivision if property is within an existing subdivision.
  - (2) Proposed name, which shall not duplicate the name of any existing or tentatively approved subdivision or names of streets or commercial developments.
- (b) Location and description of the property. Location of property by tax identification number(s) as designated on county property maps.
- (c) Basic facts and proposals pertaining to the property shown as general notes:
  - (1) Size in acres or square feet.

- (2) Existing zoning classification(s), and applicable zoning cases number(s) of the property .
  - (3) Proffers and/or conditions of zoning and schematic plan conditions.
  - (4) Number of lots proposed in subdivision.
  - (5) Area of lots, streets, open space and common space proposed; minimum, average and maximum lot size in square feet.
  - (6) Proposed use of water and wastewater facilities.
  - (7) Method of street stormwater conveyance.
  - (8) Parcels or land intended to be dedicated or conveyed for public use, and the conditions proposed for such disposal and use as specified in section 17-71.
  - (9) Date, revision dates, and scale.
  - (10) The name, mailing address, street address, phone number, and fax number and e-mail address if available of the owner(s), proposed owner(s) and the subdivider.
  - (11) The method by which Chesapeake Bay Protection Act (CBPA) compliance is achieved.
- (d) Basic facts and proposals pertaining to the property including the following shall be graphically shown:
- (1) Graphic scale, North American Datum (NAD) 83 north arrow and vicinity map.
  - (2) The length and bearing of the exterior boundaries of the subdivision. Dimensions shall be expressed in feet at a minimum to the first decimal point.
  - (3) Adjacent subdivision name(s), adjacent parcel owner name(s) and tax identification number(s), side boundary lines of adjoining lots and parcels and county boundary line if applicable. Existing zoning boundaries on the property and adjacent property.
  - (4) Location, width, state route numbers and names of all existing and platted streets, alleys, and other rights of ways and existing onsite and offsite easements, buildings, bridges, on or adjacent to the tract and other pertinent data as determined by the director of planning.
  - (5) Layout, and width, of all proposed lots, streets with centerline curve data and names per county ordinance, alleys, sidewalks, offsite easements for wastewater, water and stormwater intended to serve the property. All lots shown shall be buildable lots (this may require a building envelope to be shown).
  - (6) The layout and size of the existing and proposed wastewater, water mains, fire hydrants, and existing storm sewers/culverts, and other underground structures within the tract or immediately adjacent thereto. The utility

layout shall be consistent with the county's water and sewer specifications and procedures. Any deviation must be requested in writing and approved by the director of utilities. Water and wastewater connections shall be graphically shown where feasible, otherwise a note indicating the approximate distance and contract number of the existing water/wastewater line(s). Water and wastewater lines shown shall not be located within any stormwater management or best management plan facility unless approved by the directors of environmental engineering and utilities.

- (7) Approximate dimensions of lots and sequential lot numbers.
  - (8) Proposed front building setback lines on lots where the minimum lot width is not met at the minimum setback line.
  - (9) Labeled contours at vertical intervals of not more than five feet and at more frequent intervals if required by the director of planning for land with flat topography. Labeling shall occur at ten foot vertical interval. Source of topography and mean sea level datum shall be stated on the plat. U.S. Geologic Survey (USGS) quadrangle sheets shall not be an acceptable source.
  - (10) All existing U.S.G.S. or county control monuments for surveying purposes located on the property.
  - (11) The limits of established watercourses, drainage ditches, manmade open channels, floodplains, preliminary wetland boundaries, conservation areas, RPAs, RMAs, and approximate location and surface area of BMPs.
  - (12) Chesapeake Bay preservation areas described in chapter 19.
  - (13) All proposed street names per county ordinance.
  - (14) The location and approximate size of any cemeteries, grave, object or structure marking a place of burial.
  - (15) Recorded sections depicting the actual recorded layout with recordation dates and state route numbers on streets shall be clearly shown for tentative renewals, amended or substitute plats.
  - (16) The location and width of any required buffers, landscape strips or tree preservation areas.
- (e) An overall conceptual subdivision plan must be submitted in accordance with section 17-40 by (1) subdividers seeking tentative approval for a subdivision in phases, or (2) subdividers proposing a development that contains mixed uses, although all uses may be residential in nature, or (3) subdividers required by zoning to submit an overall conceptual subdivision plan. The portion of the plan covered by the tentative plat must be outlined. The overall conceptual subdivision plan shall be updated to reflect previously approved layouts and shall be submitted with each initial tentative, tentative renewal, amended or substitute tentative plat submission.

- (f) Special limited power of attorney only for nonowner/developer submissions.
- (g) Water flow calculations shall accompany the initial tentative plat submittal. Flow requirements shall meet fire department regulations. Flow test submittal requirements shall be per Chesterfield Department of Utilities specifications.
- (h) Chesapeake Bay Preservation Act plan and calculations.
- (i) Letter from the appropriate regional planning district commission indicating approval of all street names.
- (j) Virginia Department of Transportation checklist shall accompany initial submission.
- (k) Every tentative plat must have complete information to be accepted.
- (l) Subdivisions that contain easements for petroleum or natural gas-based products shall provide the easement holder with a copy of the tentative plat. Evidence of the submission shall be provided to the director of planning.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, §§ 15.2-2240--15.2-2242, 15.2-2258, 15.2-2260.

**Sec. 17-39. Plat reductions required.**

- (a) A reduced copy of the tentative plat to 8.5 x 11 inches shall accompany each submission.
- (b) A copy of the tentative plat on a maximum sheet size of 24 x 36 inches shall accompany each submission if the overall plat exceeds one sheet of this size.
- (c) If available, upon request a digital copy of the plat shall be supplied in a format acceptable to the director of environmental engineering.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2260.

**Sec. 17-40. Overall conceptual subdivision plan.**

When required for tentative plat approval per section 17-38, an overall conceptual subdivision plan shall be prepared by the subdivider to cover all area up to the limits of the parcel(s) that was zoned. The conceptual subdivision plan shall be drawn at a scale that will fit on a sheet size of 24 x 36 inches. The plat shall show correctly the following information:

- (a) Name for file identification.
- (b) Location and description of the property. Location of property by tax identification number(s) as designated on county property maps.
- (c) Basic facts and proposals pertaining to the property including the following in general notes:
  - (1) Overall size in acres.



- (2) Existing zoning classification(s), applicable zoning case(s), and zoning boundaries of the property and adjacent property.
  - (3) Approximate number of lots.
  - (4) Proposed use of water and wastewater facilities.
  - (5) Date, revision dates, scale.
  - (6) The name, mailing address, street address, and phone number and fax number and email address if available of the owner(s), proposed owner(s) and the subdivider.
- (d) Basic facts and proposals pertaining to the property including the following in graphic form:
- (1) Graphic scale, north arrow and vicinity map.
  - (2) Subdivision names and side boundary lines of adjoining lots and parcels. Existing zoning boundaries of the property and adjacent property.
  - (3) Location, and names of all existing and platted streets. Approximate location of all thoroughfare plan and residential collector streets. A pedestrian circulation layout.
  - (4) Residential pods with approximate acreage and density. Access points from pods to the roadway network. Any pod submitted for tentative approval shall be shown as depicted on that plat.
  - (5) Approximate layout of large water mains, trunk wastewater lines, limits of established floodplains, available wetland data, conservation areas, RPA limits, RMAs location, and location of proposed BMPs.
  - (6) Phasing lines.
  - (7) Contours at vertical intervals properly labeled of not more than five feet.
  - (8) Parcels or land intended to be dedicated or conveyed for public use.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2260.

### DIVISION 3. PREPARATION AND CONTENTS OF FINAL CHECK AND RECORD PLATS

#### **Sec. 17-41. General.**

Final check and record plats may constitute all or only a portion of the area contained in the approved tentative plat and approved construction plans; provided, that the public improvements to be constructed in the area covered by the final check and record plat are sufficient by and of themselves to accomplish a proper development and to provide adequately for the health, safety and convenience of the proposed residents therein and for adequate access to adjacent areas. The section limits of the final check and record plats shall have a contiguous lot and street network.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2241.

**Sec. 17-42. Subdivision review.**

A complete application by the subdivider for approval shall accompany each final check and record plat. Such application shall include the following information:

- (a) Any existing or proposed covenants and homeowner association documents required by section 19-559 if applicable or if required by zoning or tentative condition.
- (b) Name, mailing address, street address, telephone number, and fax number and e-mail address if available, of the owner, subdivider and the certified professional engineer as applicable or land surveyor who prepares the plat.
- (c)
  - (1) Whenever any pond, lake or similar body of water is proposed to be located within lots, the subdivider shall present a plan to the director of environmental engineering and the county attorney's office for review and approval outlining any construction to occur and a proposed plan for the indemnification and perpetual maintenance of any such body of water.
  - (2) Whenever any pond, lake or similar body of water is proposed to be located within common area or open space, the subdivider shall present the recorded articles of incorporation for a homeowners association and draft restrictive covenants to the director of environmental engineering and the county attorney's office for review and approval. These documents shall outline any construction to occur and shall contain a proposed plan noting the indemnification and responsibilities of the homeowners association in any perpetual maintenance of any such body of water.
- (d) Payment in the appropriate amount for new street signs and for the streetlight fees including the program administration shall be submitted to the director of environmental engineering with the record plat.
- (e) A copy of the valid snow removal contract shall be submitted to the director of environmental engineering with the final check plat or prior to submission of the record plat.
- (f) A letter from the appropriate regional review agency indicating approval of all street names if requested by the director of environmental engineering.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2241.

**Sec. 17-43. Required information.**

The final check and record plat sheet(s) shall be 16 inches by 24 inches and shall be prepared, signed and sealed by a certified professional engineer as applicable or land surveyor. The final check and record plat shall conform to the approved tentative plat and approved construction plans. The final check and record plats shall show the following information:

- (a) Surveyor's certification stating "To the best of my knowledge and belief all of the requirements as set forth in the ordinance for approving plats of subdivisions in

Chesterfield County, Virginia have been complied with. Monuments will be set by (insert date)."

- (b) Subdivision certificate stating "The platting or dedication of the following described land (here insert a correct description of the land to be subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any. All easements and streets are of the width and extent shown and are dedicated to the County of Chesterfield free and unrestricted by any previous agreements or easements except as noted on this plat as of the time of recordation. The dedication of easements to the County of Chesterfield, includes granting the right to make reasonable use of adjoining land for construction and maintenance of public facilities within the boundaries of easements shown hereon. All easements are for surface and underground drainage and underground utilities except as restricted in use on this plat." If there is an easement granted for street light installation it shall be included in this statement and read as follows "An additional easement of five feet on all lots adjacent to rights- of-way is dedicated to the County of Chesterfield for future street light installation." This statement shall be signed by such person and duly notarized.
- (c) Source of title signed by the preparer of the plat setting forth the source of the title of the owner(s) of the land subdivided indicating the date, deed book and page and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several parcels shall be indicated upon such plat.
- (d) The following information shall be noted on the plat:
  - (1) Land use.
  - (2) Zoning classification(s), applicable zoning case number(s). Proffers, conditions of zoning, schematic and/or tentative plat conditions relating to construction such as bulk exceptions, minimum square footage, colors, required improvements on lots or restrictions on lots.
  - (3) Method of street drainage.
  - (4) Method of wastewater and water.
  - (5) Total number of lots.
  - (6) Area in lots, streets, and open space.
  - (7) Total subdivision acreage.
- (e) Property location as to corresponding county tax identification numbers.
- (f) Vicinity map.
- (g) Sequentially numbered lots.
- (h) Area in square feet of each individual lot, if requested by the director of planning.
- (i) Date, scale and north arrow per NAD83.
- (j) The length and bearing of all lot lines and cumulative total of each perimeter tangent dimension. The following information shall be shown in a curve table for

each non-tangent curve in the survey: chord bearing, chord distance, radius, delta, tangent and arc length.

- (k) Location and width of all street rights-of-way and easements. Where any easement bisects a lot, provide tiebacks to property corners.
- (l) All street names per county ordinance, approved by the director of environmental engineering.
- (m) Location and labeling to include conservation areas and areas of wetlands if applicable, of RPAs with tielines or tiebacks.
- (n) A note has been provided with an asterisk on each lot between RPA limits and creek. "Conservation area to remain in its natural state, no structure to be located within the RPA."
- (o) Location of U.S. Army Corps of Engineers (USACE) or Commonwealth of Virginia jurisdictional wetlands and waters of the United States and associated building setbacks.
- (p) A note with corresponding reference symbol for wetlands stating "U.S. Army Corps of Engineers or Commonwealth of Virginia jurisdictional wetlands not to be disturbed without written permission from the Corps or the Department of Environmental Quality."
- (q) Location and labeling of floodplains with survey tielines and / or tiebacks and backwater location(s) and elevation(s).
- (r) Those areas to be dedicated for public use in accordance with section 17-71.
- (s) Two Virginia state plane system coordinate points per NAD 1983.
- (t) Location of existing U.S. Geological Survey (USGS) or county monument, if located within the subdivision.
- (u) The location of any cemeteries, grave, object or structure marking a place of burial and associated access easement.
- (v) Chesapeake Bay preservation areas described in chapter 19.
- (w) A note indicating the method of CBPA compliance, the type of facility utilized, as well as the recordation information.
- (x) SWM/BMP maintenance responsibilities.
- (y) A note indicating that the BMP/stormwater management maintenance agreement has been recorded including the deed book and page number reference for the agreement.
- (z) A note indicating that any BMP contained within the lot limits will become the sole maintenance responsibility of the lot owners.
- (aa) Location and labeling of open space and common areas as to ownership and maintenance responsibilities.
- (bb) Minimum finished floor (MFF) elevations for lots, as applicable.

- (cc) Minimum crawl space (MCS) elevations for lots, as applicable.
- (dd) Lots are shown as NBP as appropriate.
- (ee) Location and labeling of buffers, landscape strips or tree preservation areas as to width, and applicable restrictions.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia §§ 15.2-2241, 15.2-2262.

#### DIVISION 4. PREPARATION AND CONTENTS OF FINAL CHECK AND RECORD PLATS FOR RESIDENTIAL PARCEL SUBDIVISION AND PROPERTY LINE MODIFICATION

##### **Sec. 17-44. General.**

(a) Any plat for nonresidential usage shall be prominently labeled by the subdivider "Not for residential use" and the following statement: "I, (INSERT NAME) affirm that I am the owner of the property depicted on this plat and do hereby affirm that the sale/transfer of this property is not for purposes of creating a parcel for residential use". With these two notes, the plat will not be subject to a review in accordance with this division. No residential building permit will be approved on plats so labeled. No parcel plat shall be recorded that does not have these statements or does not comply with (b).

(b) Subdividers, that intend that the property shall be eligible to have a residential building permit issued on it, shall submit the plat for review and approval in accordance with this chapter. There will be a two step process for review and approval. The first step will be the submission of a final check plat and the second step will be the submission of the record plat. When the record plat is approved, it will be stamped, signed by the director of planning and recorded with the clerk of the court indicating the plat was determined to be in compliance as a parcel for residential usage in accordance with this division.

- (1) A residential parcel subdivision does not require the submission of a tentative plat. The subdivider may elect to submit a preliminary layout to the director of planning to obtain comments to guide the layout of the final check and record plats. The final check and record plat may constitute all or only a portion of the area contained in the parent parcel provided that the size of the remainder of the parent parcel after subdivision meets the minimum standards for a parcel. When the plat does not contain all of the area of the parent parcel, a sketch of the residential parcel subdivision in relation to the parent parcel shall be included on the plat.
- (2) The review will determine consistency with the comprehensive plan with respect to historic and visual resources; compliance with the applicable sections of the zoning ordinance dealing with residential uses, setbacks and parcel size; applicable sections of this chapter dealing with parcel width, frontage, and size; the general location of lakes, ponds, streams and RPAs as shown on the GIS; and requirements of the health department for wells and onsite wastewater disposal systems.

(c) Parcel line modification plats may be submitted for an existing parcel that does not meet the current area or dimensional requirements of chapter 19. The existing parcel may be altered to increase the area subject to the following:

- (1) The parcel from which land is being transferred shall meet all applicable standards of this chapter and chapter 19 after the transfer is accomplished. A parcel line modification will not make a parcel buildable that was not created in accordance with the standards in place at the time of its recordation unless it brings the resulting parcel into compliance with current standards. The parcel line modification does not create a new parcel.
- (2) The resulting parcel shall not become peculiarly shaped due to transfer.
- (3) The bulk standards on the resulting parcel will be based upon the applicable requirements at the time of the original recordation.
- (4) The plat shall show the original and proposed parcel boundaries and an original recordation date, with the deed, will, or plat book and page.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, §§ 15.2-2241, 15.2-2244.

**Sec. 17-45. Procedure for residential parcel subdivision and parcel property line modification approval.**

All completed applications and plats shall be submitted by subdividers to the director of planning to be reviewed and approved administratively as set forth below. During the review, the subdivider or director of planning may amend the application and refer the plat to the planning commission for approval. The submission to the director of planning of a completed application shall grant the county and its agents the right to enter the property at all reasonable times for the purpose of inspecting the property in conjunction with the review of the proposed subdivision.

- (a) The following procedure shall be followed for review of the residential parcel subdivision and parcel line modification final check plats:
  - (1) The subdivider shall submit to the director of planning a completed application and three prints of the proposed parcel line modification or residential parcel subdivision. Additionally, subdividers seeking approval for a residential parcel subdivision shall submit a copy of the report required by section 17-84 for the health department use in conducting the onsite review. The subdivider may submit the report to the health department prior to submission of the final check plat. The review of the health department may take up to 60 calendar days in accordance with state law. The onsite review shall be conducted in accordance with Code of Virginia § 32.1-163.5.
  - (2) Within three business days, an authorized staff member of the planning department shall review the plats for consistency with the requirements of this chapter, applicable sections of the zoning ordinance, the general location of lakes, ponds, streams, and RPAs, and consistency section with

19-508 for historic and visual resource sites included in the comprehensive plan.

- (3) The director of planning shall compile all comments including any from the health department after completing their onsite review and prepare a composite plat depicting any graphical changes required to the plat.
  - a. If the plat complies with all requirements, the composite final check plat shall be so noted and returned to the subdivider with any comments.
  - b. If the plat does not comply with all requirements, the final check plat and a written explanation of the required changes shall be returned to the subdivider for modification and resubmission.
- (b) The following procedure shall be followed for approval of residential parcel subdivision and parcel line modification record plats:
  - (1) The subdivider shall submit to the director of planning four prints conforming to the Virginia State Library and Archives Standards for record plats.
  - (2) Within two business days after submittal, an authorized staff member of the planning department shall determine if the plats comply with the final check plat comments, and if determined to be in compliance shall stamp the plats, and forward them to the director of planning for signing.

The stamp shall indicate that the plat is for residential purposes and has been reviewed and determined to be in compliance with the requirements of this division. Parcels exempted from the requirements of this division will not be eligible to obtain a residential building permit until such time it is reviewed and approved under the requirements of this division.

    - a. If the plat is not approved, the plat shall be returned to the subdivider with written findings giving specific reasons why the plat was not approved. Such reasons shall provide in general terms the modifications or corrections that will permit approval of the plat.
- (c) One copy of the stamped signed plat shall be recorded in the clerk's office of the circuit court of the county. One copy will be retained by the planning department. One will be forwarded to GIS. One copy will be returned to the subdivider.
- (d) After recordation, the subdivider shall be permitted to sell parcels.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, §§ 15.2-2241, 15.2-2244.

**Sec. 17-46. Residential parcel subdivision and parcel line modification plat requirements.**

- (a) A complete application by the subdivider for approval shall accompany each record plat.

(b) The maximum record plat sheet size shall be 16 inches by 24 inches and shall be prepared, signed and sealed by a certified land surveyor. An area of four inches by three inches shall be left clear for the approval stamp.

(1) The record plat shall have the following certificates:

- a. Surveyor's certification stating "I have personally read and believe to the best of my knowledge that the requirements for residential parcel subdivisions and property line modifications as to required area, minimum width, frontage standards and the zoning ordinance for required parcel area and setbacks in Chesterfield County, Virginia has been complied with. Plat bearings reflect NAD 83."
- b. Source of title signed by the preparer of the plat setting forth the date, deed or will book and page, and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several parcels shall be indicated upon such plat.
- c. Advisory certificate: "This plat is prepared on the basis of field surveys. The mapping information is not intended to represent all topographic and environmental features on the parcel which could limit or preclude buildability. Additional engineering research on such items as but not limited to: wetlands, floodplains, adequate culverts for driveways crossings of streams or floodplains, etc. may be required based upon individual parcel requirements at time of building permit review."

(2) The record plat shall have the following information in notes:

- a. Method of wastewater and water service.
- b. Total number of parcels.
- c. Total acreage.
- d. Existing county tax identification numbers for each parcel involved.

(3) The record plat shall graphically show the following:

- a. Vicinity map.
- b. Sequentially numbered parcels.
- c. Area in acres of each parcel.
- d. Date, scale and north arrow and bearings per NAD 83.
- e. The length and bearing of all parcel lines and cumulative total of each perimeter tangent dimension referenced to NAD 83. The following information shall be shown in a curve table for each nontangent curve in the survey: chord bearing, chord distance, radius, delta, tangent and arc length.
- f. The location and labeling of lakes, ponds, streams, RPAs, historic sites or visual resources.



- g. Two Virginia state plane system coordinate points per NAD 1983 when new property lines are not contiguous with existing property lines.
- h. The location of any cemeteries, graves, objects or structures marking a place of burial and associated access easement.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, §§ 15.2-2262, 15.2-2264.

**Secs. 17-47--17-60. Reserved.**

### **ARTICLE III. STANDARDS**

#### **DIVISION 1. MINIMUM STANDARDS AND IMPROVEMENTS REQUIRED**

**Sec. 17-61. Conformity to applicable requirements.**

All subdivision plats shall comply with the following as applicable:

- (a) The provisions of the Code of Virginia, title 15.2, chapter 22, article 6 (Virginia Code §§ 15.2-2240--15.2-2279).
- (b) Chapter 8 of the Code of Chesterfield County, erosion and sediment control ordinance.
- (c) Chapter 18 of the Code of Chesterfield County, water and sewer ordinance.
- (d) Chapter 19 of the Code of Chesterfield County, zoning ordinance.
- (e) The Chesterfield comprehensive plan.
- (f) Code of Virginia, title 32.1, and the requirements of the state health department relating to lot size and lot elevation if the subdivision is not served by a public wastewater system and provision for such service has not been made.
- (g) The requirements of the Virginia Department of Transportation and the county transportation department including access control, rights of way dedication and construction of mitigating street improvements as relating to safety and the preservation of the public interest.
- (h) Other applicable laws, ordinances, policies and requirements.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2260.

**Sec. 17-62. Standard conditions.**

The applicability of the following requirements will be determined at the time of tentative plat approval. The subdivider will be notified of the applicable requirements in the approval letter. The requirements will be referred to as standard conditions without citing this subsection. Compliance with these standard conditions must be achieved by the time of subsequent plan and plat submittal.

- (a) The requirements of the Environmental Engineering Reference Manual.

- (b) The requirements associated with obtaining a land disturbance permit from the environmental engineering department by:
  - (1) Providing satisfactory documentation that all applicable federal and state wetlands permits have been obtained.
  - (2) Obtaining a land use permit from the Virginia Department of Transportation allowing access onto and construction within state maintained right-of-way.
- (c) The subdivider shall provide access easement(s) to the SWM/BMP(s) as required acceptable to the environmental engineering department prior to or in conjunction with recordation.
- (d) The dimensions and approximate location of all easements shall be shown on all final check and record plats.
- (e) A 25-foot minimum setback shall be provided from the 100-year floodplain/backwater.
- (f) A 25-foot minimum setback shall be provided from wetlands.
- (g) A 25-foot minimum setback shall be provided from conservation areas.
- (h) Any required buffers are subject to the requirements of section 17-70.
- (i) Buffers areas are exclusive of setbacks.
- (j) A 20-foot minimum setback for all structures shall be provided from any petroleum product transmission pipeline easement or 35 feet from the pipeline whichever is greater.
- (k) The subdivider shall provide horizontal control for the final check and record plat tied into the Virginia Coordinate System, south zone. Boundary tiedown will be accomplished by X and Y coordinate values being designated for at least two points.
- (l) Copies of any restrictive covenants required as a condition of zoning shall be filed with the director of planning and county attorney's office for a review to determine consistency with the conditions of zoning. The required restrictive covenants shall be recorded in conjunction with the record plat. Subsequent changes to restrictive covenants are not subject to review or approval by the county.
- (m) Copies of all required articles of incorporation for homeowners associations shall be filed with the director of planning and the county attorney's office for review and approval prior to recordation of any section. When SWM/BMP facilities are to be maintained by a homeowners association, the articles of incorporation must also be submitted to the director of environmental engineering for review and approval. When there are private streets, alleys or sidewalks to be maintained by a homeowners association, the articles of incorporation must also be submitted to the director of transportation for review and approval.

- (n) Final check and record plats for subdivisions adjacent to or including existing and proposed residential collector, collector and/or arterial streets shall show the proposed right-of-way location.
- (o) Every residential lot, except those lots in a subdivision for townhouses, shall front on a local street except as may be provided for in section 17-77.
- (p) Prior to plat recordation of any residential subdivision that includes streets, sidewalks, wastewater, water, stormwater improvements and/ or other improvements, the subdivider shall provide the county with a surety bond in the amount equal to the construction cost of all unimplemented improvements and ten percent of the construction costs of all satisfactorily implemented improvements, with a minimum bond amount of not less than ten percent of the total project costs. Prior to submittal of the bond for approval, an itemized cost estimate for streets, sidewalks, wastewater, water, stormwater and other improvements establishing the required bond amount shall be submitted to, reviewed and approved by the director of environmental engineering and county attorney's office.
- (q) Prior to plat recordation of any townhouse subdivisions that includes streets, private accessways and parking areas, sidewalks, wastewater, water, stormwater improvements and/ or other improvements the subdivider shall provide the county with a surety bond in the amount equal to the construction cost of all unimplemented improvements and ten percent of the construction costs of all satisfactorily implemented improvements, with a minimum bond amount of not less than ten percent of the total project costs. Prior to submittal of the bond for approval, an itemized cost estimate for streets and other paving, sidewalks, wastewater, water, stormwater improvements, and other improvements establishing the required bond amount shall be submitted to, reviewed and approved by the director of environmental engineering and county attorney's office.
- (r) Prior to board of supervisors' adoption of a resolution to accept the streets into the state system, the construction of all improvements shall be acceptable to the directors of environmental engineering and utilities.
- (s) The subdivider shall place the following note on the final check and record plats and enforce the restriction through covenants: "No structure embellishments will be allowed on right-of-way without the commitment of, or issuance of a VDOT land use permit. Within the ten-foot clear zone (measured from the edge of the street pavement out ten feet), no structural embellishment will be permitted that is closer than two feet from the edge of pavement of the street or higher than six inches above the surface of the drive."

(Ord. of 2-21-01, § 1)

### **Sec. 17-63. Floodplains.**

(a) No land shall be subdivided unless it complies with article III, division 3 of chapter 19 and the Environmental Engineering Reference Manual as determined by the director of environmental engineering.

(Ord. of 2-21-01, § 1)

Cross references: Floodplain districts, §§ 19-55 et seq.

State law references: Code of Virginia, § 15.2-2241(3).

**Sec. 17-64. Preservation of natural features and historic resources.**

Trees, streams and natural riparian corridors which would add value to developments or to the county as a whole, shall be protected whenever practicable in the design of the subdivision. Historic sites, features and similar amenities and assets, including identified visual resources adopted as part of the county's comprehensive plan shall be identified on all plats and be protected as provided for in County Code section 19-508. No filling within the natural features shall be permitted to circumvent any applicable part of the Code.

(Ord. of 2-21-01, § 1)

**Sec. 17-65. Property markers/geodetic monuments.**

Property markers shall be installed in all subdivisions at all lot corners, angle points, radial points of curves in streets, and at all intermediate points along streets or property lines where property markers cannot readily be seen one from the other.

The replacement of any geodetic control monuments, including but not limited to National Oceanic and Atmospheric Administration/National Geodetic Survey (NOAA/NGS), United States Geological Survey (USGS), and county control monuments, removed or destroyed during the development of the subdivision shall be the responsibility of the subdivider.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia § 15.2-2241(7).

**Sec. 17-66. Stormwater drainage.**

(a) All proposed stormwater drainage systems shall be separate and independent from any wastewater system. Stormwater facilities including but not limited to underground pipes, culverts, inlets, catchbasins, open ditches, stormwater management basin/ponds, and BMPs, as determined by the director of environmental engineering shall provide for the adequate discharge of surface water via gravity flow into adequate natural drainage courses and shall be installed according to construction plans approved by the director of environmental engineering.

(b) All stormwater drainage facilities installed in the subdivision shall be sized and installed to accommodate the runoff from the contributing watershed based on ultimate development as determined by the comprehensive plan.

(c) All facilities shall conform to the design requirements of the Environmental Engineering Reference Manual.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2241(4).

### **Sec. 17-67. Streetlighting.**

(a) Streetlighting shall be provided and installed in residential and residential townhouse districts and commercial districts with residential development at certain intersections and along arterial or collector streets for safety. Lighting shall be installed in accordance with the street light policy approved by the board of supervisors and administered by the environmental engineering department through the construction plan/final check plat review process.

(b) All installation costs of streetlighting shall be the responsibility of the subdivider. The subdivider shall provide full payment to the county of all installation charges estimated by the utility company as well as administrative costs to the county.

(Ord. of 2-21-01, § 1)

Reference--Board of Supervisors Street Light Policy

State law references: Code of Virginia, § 15.2-2241(5).

### **Sec. 17-68. Easements.**

Easements for public use shall be provided to the county to include but not limited to:

- (a) Easements 16 feet in width for proposed or possible water, wastewater and drainage improvements.
- (b) Easements eight feet in width shall be provided along the rear of the lot.
- (c) Easements of eight feet in width along the side lot lines where the side property line is the rear of another lot.
- (d) Easements of variable width may be required for Virginia Department of Transportation (VDOT) slope, drainage, and sight distance easements identified on construction plans.
- (e) The county may require specific easements to address conditions of zoning, tentative plat and construction plan approval.
- (f) Easements of greater width may be required by the director of environmental engineering for drainage purposes or by the director of utilities for utility purposes.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2241(3, 6).

### **Sec. 17-69. Street and subdivision names and street signs.**

(a) Street and subdivision names shall not duplicate the name of an existing or tentatively approved street, site, or subdivision. The naming of streets within a subdivision may, to a limited extent, duplicate the subdivision name. Streets that are continuations of other streets shall bear the name of the existing street. The naming of proposed streets shall comply with the county street naming and building numbering ordinance, chapter 16, and approved by the director of environmental engineering and the appropriate regional planning district commission.

(b) The subdivider shall fund the fabrication and installation of street signs showing the names of streets at intersections in the subdivision in accordance with section 16-14 of the Code.

(c) If the subdivider elects to install custom street signs, they shall conform to design specifications approved by the director of environmental engineering and VDOT at the time of construction plan approval. Installation of custom street signs by the subdivider does not relieve them from the financial responsibilities of funding in (b) above.

(d) All street signs shall be made of a material and located to be clearly visible by day and by night.

(Ord. of 2-21-01, § 1)

#### **Sec. 17-70. Buffers and special setbacks.**

(a) For lots which have a tentative plat approved after February 27, 2001, buffers shall be exclusive of easements which are generally parallel to the buffer, required setbacks and street cut and fill slopes, and shall be preserved in an undisturbed condition unless otherwise approved by the director of planning. Easements crossing buffers shall generally be at right angles or shall cross the buffer so as to have the least impact to the buffer.

(b) Post construction vegetation within the buffer shall meet a standard of not less than one and one half times the perimeter yard landscaping "C" quantity requirements as defined in County Code section 19-518 prorated for every 25 feet of depth. If insufficient vegetation exists within the buffer as determined by the director of planning, the subdivider shall submit a landscape plan to the director of planning for review and approval prior to release of the final check plat review comments. The subdivider shall install the required plant material prior to recordation. If conditions do not exist for good plant survival as determined by the director of planning, surety shall be provided to the county in the amount sufficient to guarantee the installation approved by the director of planning and in a form as indicated in section 17-73(a). The planning department shall hold any required surety. Any such installation shall be completed prior to state acceptance of the subdivision's streets.

(c) Buffers of the following minimum width shall be provided adjacent to existing and proposed streets with the following classifications:

- (1) Arterial streets--50 feet.
- (2) Collector streets--35 feet.
- (3) Residential collector streets--30 feet.
- (4) Local streets to negate double frontage condition--20 feet.

(d) Adjacent to limited access streets, a setback distance of 200 feet, exclusive of required yards, shall be provided from the limited access street right-of-way, unless a noise study demonstrates that a lesser distance is acceptable as approved by the director of transportation. Natural vegetation shall be retained within the setback area unless removal is required to install noise attenuation measures or is approved by the planning commission.

(e) Setbacks from temporary turnarounds easements shall conform to permanent cul-de-sac right-of-way standards.

(f) A minimum setback for all structures of 20 feet shall be provided from any petroleum product transmission pipeline easement or 35 feet from the pipeline whichever is greater.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2279.

**Sec. 17-71. Designation of land for public use.**

(a) All subdivisions shall comply with the conditions of zoning requiring dedication or reservation of land for possible acquisition for public uses including but not limited to: parks, schools, libraries, fire stations, etc.

(b) Tentative plats shall accommodate planned public uses as required by conditions of zoning. Whenever a tract includes a proposed site for such use, it shall be suitably incorporated by the subdivider into the plat after the planning commission or director of planning determines whether such property is needed by the county.

(c) The planning commission or director of planning, based upon conditions of zoning, shall verify whether the land is to be:

- (1) Dedicated to the county by the subdivider, or;
- (2) Made available for acquisition by the county.
- (d) The planning commission or director of planning shall verify that the land is:
  - (1) Required for the proposed public use, and:
  - (2) Suitable for the proposed public use.

If the planning commission or director of planning determines that the land is not required, the director shall advise the subdivider of said determination and, if allowed by conditions of zoning, shall advise the subdivider as to the ability to rearrange lots in the proposed subdivision to incorporate the land.

If the planning commission or director of planning determines that the land is not suitable for the proposed use, the planning commission or director may refuse to approve such dedication or configuration and require the rearrangement of lots in the proposed subdivision.

- (e) After the planning commission or director of planning verifies that the land is:
  - (1) Required to be dedicated and appropriate for the proposed public use, the subdivider shall be informed of this finding, and shall proceed with the tentative plat approval process. When the plat is recorded, such recordation shall constitute acceptance of the land for the designated public purpose.
  - (2) Required to be made available for acquisition, and appropriate for the proposed public use, the subdivider shall be informed of this finding. The director of planning may also propose alternate areas on the subject parcel for acquisition. The director of planning and the appropriate county officer or other public entity involved in the acquisition or use of each such site shall seek a commitment to purchase such site by the board of supervisors

and shall include an estimate of the time required to complete the acquisition. The planning commission or director of planning shall not approve the tentative plat for a minimum of 30 calendar days to allow the board of supervisors to act.

- a. If the planning commission or director of planning receives an affirmative action, the subdivider shall designate on the tentative plats that area proposed to be acquired by the board of supervisors.
- b. If the planning commission or director of planning receives a negative reply, the subdivider shall be advised to incorporate the area as lots on the tentative plat.

(Ord. of 2-21-01, § 1)

**Sec. 17-72. Improvements--Required.**

(a) Unless the director of transportation can determine required mitigating street improvements, a traffic impact analysis based upon transportation department standards shall be submitted to, and approved by, the director of transportation if:

- (1) The proposed development is expected to generate 10,000 average daily trips (ADT) or more, based on trip generation rates as defined by the Institute of Transportation Engineers' publication, "Trip Generation," as amended.
- (2) The director of transportation requests the analysis because the proposed development is expected to significantly impact the transportation network.

(b) The director of transportation shall determine the transportation improvements necessary to accommodate a proposed subdivision and to provide a safe and efficient access in accordance with the following:

- (1) The thoroughfare plan or other existing or planned transportation improvements.
- (2) Maintenance of a minimum D level of service based upon a 20 year traffic demand projection, as provided by the director of transportation, or in areas designated by the director of transportation, no level of service below that which currently exists.

(c) The subdivider shall be responsible for provision of transportation improvements, the need for which is generated by the development, as determined by the director of transportation.

(d) The director of transportation shall be responsible for determining the functional classification of streets.

(e) The director of transportation may require development restrictions to achieve acceptable levels of service, as outlined in this subsection.

(f) The subdivider shall at his expense satisfactorily construct or provide any street, curb, gutter, sidewalk, surface drainage, stormwater facility, wastewater system, waterline, as part of a public system and other improvements dedicated to the public use, and maintained by the county, the commonwealth, or other public agency, and for the provision of other site improvements for vehicular ingress and egress, including traffic signalization and control, for



streets, for structures necessary to ensure stability of critical slopes, and for stormwater management facilities and for items associated with the construction of said improvements as indicated on the approved construction plans and as determined to be necessary in the field by the county based upon site conditions. The sale of the lot(s) does not absolve the subdivider from this responsibility prior to state acceptance of streets and for a period of one year after the streets are taken into the state system.

(g) The subdivider shall at his expense satisfactorily construct or provide any private street, alley, accessway, curb, gutter, sidewalk, surface drainage, stormwater facility, wastewater system, waterline, as part of a private system and other improvements dedicated for the use by home owners of the subdivision, and owned and maintained by the homeowners association or individual lot owners, and for the provision of other site related improvements for vehicular ingress and egress, including traffic signalization and control, for accessways, or streets, for structures necessary to ensure stability of critical slopes, and for stormwater management facilities and items associated with the construction of said elements as indicated on the approved construction plans and as determined to be necessary in the field by the county based upon site conditions. The sale of the lot(s) does not absolve the subdivider from this responsibility for a period of one year from the date of issuance of the last certificate of occupancy permit.

(h) The subdivider of land shall pay or provide for the payment of his pro rata share of the cost of providing reasonable and necessary wastewater, water and stormwater facilities, located outside the property limits of the land owned or controlled by him but necessitated or required, at least in part, by the construction or improvement of the subdivision; however, no such payment shall be required until such time as the board of supervisors establishes a general wastewater; water, and drainage improvement program for an area having related and common wastewater, water; and drainage conditions and within which the land owned or controlled by the subdivider is located or the board of supervisors has committed itself by ordinance to the establishment of such a program. Said pro rata share shall be limited to the proportionate share of total estimated cost of ultimate wastewater, water and stormwater facilities based upon demand or projected flows required to adequately serve a related and common area, when and if fully developed in accord with the adopted comprehensive plan, that shall be borne by each subdivider within the area. Such share shall be limited to the proportion of such total estimated cost which the increased sewage flow or increased volume of stormwater runoff to be actually caused by the subdivision bears to total estimated volume and of such sewage or runoff from such area in its fully developed state. In calculating the volume and velocity of stormwater runoff, the county shall take into account the effect of all onsite stormwater facilities (SWMs) or best management practices (BMPs) constructed or required to be constructed by the subdivider and give appropriate credit therefor.

(i) Each such payment received shall be expended only for necessary engineering and related studies and the construction of those facilities identified in the established wastewater, water and stormwater program; however, in lieu of such payment the board of supervisors may accept the posting of a personal, corporate or property bond, cash escrow or other method of performance guarantee satisfactory to the board conditioned on payment at commencement of such studies or construction. The payments received shall be kept in a separate account for each of the individual improvement programs until such time as they are expended for the improvement program. All bonds, payments, cash escrows or other

performance guarantees hereunder shall be released and used, with any interest earned, as a tax credit on the real estate taxes on the property if construction of the facilities identified in the established water, sewer and stormwater programs is not commenced within 12 years from the date of the posting of the bond, payment, cash escrow or other performance guarantee.

(j) Any funds collected for pro rata programs under this section prior to July 1, 1990, shall continue to be held in separate, interest-bearing accounts for the project(s) for which the funds were collected and any interest from such accounts shall continue to accrue to the benefit of the subdivider until such time as the project(s) are completed or until such time as a general water, wastewater and stormwater improvement program is established to replace a prior wastewater and drainage improvement program. If such a general improvement program is established, the board of supervisors may abolish any remaining separate accounts and require the transfer of the assets therein into a separate fund for the support of each of the established wastewater, water, and stormwater programs. Upon the transfer of such assets, subdividers who had met the terms of any existing agreements made under a previous pro rata program shall receive any outstanding interest which has accrued up to the date of transfer; and such subdividers shall be released from any further obligation under those existing agreements. All bonds, payments, cash escrows or other performance guarantees hereunder shall be released and used, with any interest earned, as a tax credit on the real estate taxes on the property if construction of the facilities identified in the established water, wastewater and stormwater programs is not commenced within 12 years from the date of the posting of the bond, payment, cash escrow or other performance guarantee.

(k) Connection to the county water supply system shall be required in any of the following circumstances except as may be waived by the planning commission per County Code section 18-63:

- (1) When any lot in the subdivision has an area of less than 40,000 square feet, or;
- (2) When any parcel recorded after February 27, 2001 has an area less than one acre. Parcels created prior to this date are subject to requirements in place at the time of their recordation, and
- (3) When an existing water line is less than 200 feet from any property line of the lot for which a building permit application has been made for a new structure, or;
- (4) When a lot is located within the areas of the Southern and Western Area Plan or Matoaca Village Plan unless residential zoning was obtained for such subdivision prior to June 23, 1993, or;
- (5) When a lot is located within the area of the Ettrick Village Plan unless residential zoning was obtained for such subdivision prior to November 12, 2003 or;
- (6) When a lot is located within the area of the Route 288 Corridor Plan unless residential zoning was obtained for such subdivision prior to May 25, 1999.

(l) The subdivider shall provide payment to the director of the utility department based upon an approved engineer's estimate sufficient to cover the cost of water line installation in conjunction with the submission of the final check plat for any subdivision within two miles of an existing water line if the existing water line has sufficient hydraulic capacity to provide the required quality and quantity to serve the proposed development, or within two miles of a subdivision that will use public water, when the lot size in the proposed subdivision is greater

than one acre but less than five acres. The distance to the nearest water line shall be determined by using the most reasonable route, as determined by the director of the utilities department. The payment made under this subsection shall be used solely for the installation of water lines within the proposed subdivision. Until such time as the water lines are extended to the proposed subdivision and installed within the subdivision, the subdivider shall comply with requirements of section 17-72 (m).

(m) Individual wells may be used to provide water for domestic consumption subject to the following conditions:

- (1) All lots in the subdivision shall have an area of more than 40,000 square feet, be located more than two miles from an existing water line and are not subject to the mandatory connection requirements in section 17-72(k)(4) and (5); and
- (2) A hydrologic study shall be submitted by the subdivider to the health department for review and comment which provides a scientific determination that there is an adequate quality and quantity of potable water in the underlying aquifer under both "normal" and "drought" conditions for the area under consideration; and
- (3) Prior to issuance of a building permit, the well shall be installed on the lot and the well water shall be tested and approved by the health department; and
- (4) The Chesterfield local health department shall enforce this and other applicable sections of the Code relating to well construction and well permitting requirements of the commonwealth.

(n) Connection to the county wastewater supply system shall be required in any of the following circumstances except as may be waived by the planning commission per County Code section 18-64:

- (1) When any subdivision recorded after February 27, 2001 has an average lot area of less than 40,000 square feet, or less than 90 percent of the lots have an area of 40,000 square feet, or any lot has an area of 30,000 square feet.
- (2) When any parcel recorded after February 27, 2001 has an area less than one acre. Parcels created prior to this date are subject to requirements in place at the time of their recordation.
- (3) When an existing wastewater line is less than 200 feet from any property line of the lot or parcel for which a building permit application has been made for a new structure.
- (4) When the lot is located within the areas of the Southern and Western Area Plan or Matoaca Village Plan unless residential zoning was obtained prior to June 23, 1993.
- (5) When a lot is located within the area of the Ettrick Village Plan unless residential zoning was obtained prior to November 12, 2003 or;
- (6) When the lot is located within the area of the Route 288 Corridor Plan unless residential zoning was obtained prior to May 25, 1999.

(o) Any subdivision granted tentative approval prior to January 27, 1988, shall be exempt from the requirements of subsections (k), (l), (m), and (n)(1), (2) and (3) of this section unless tentative approval has expired.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, §§ 15.2-2241(5), 15.2-2243.

**Sec. 17-73. Installation of improvements and bonding.**

(a) Prior to record plat approval, after all other required approvals are obtained, all improvements shown on the approved construction plans shall be completed to the satisfaction of the directors of environmental engineering and utilities, at the expense of the subdivider. In lieu of actual completion of the required improvements, the subdivider may record a plat by furnishing to the director of environmental engineering surety in the form approved by the county attorney's office consisting of:

- (1) A certified check;
- (2) Cash escrow;
- (3) A surety bond; or
- (4) A bank's letter of credit.

The amount of the surety shall be sufficient to cover the costs and guarantee the installation and completion of all required improvements. The surety amount shall be approved by the director of environmental engineering based upon unit prices for new construction in the county. The surety may also include a reasonable allowance for estimated administrative costs, inflation and potential damage to existing streets or utilities which shall not exceed 25 percent of the estimated construction costs. If the subdivider proceeds by this method, the subdivider shall install and complete the required improvements to the satisfaction of the director of environmental engineering subject to the following conditions:

- (1) The streets shall be accepted into the state system not more than two years after the date of plat recordation.
- (2) No more than 50 percent of the building permits in any recorded section of a residential or residential townhouse subdivision shall be issued until the paving requirements in that section have been completed.
- (3) No more than 80 percent of the building permits in any section of a residential or residential townhouse subdivision shall be issued until the streets have been constructed to state standards and accepted into the state system as applicable.
- (4) An extension may be approved by the director of environmental engineering to condition three directly above.

(b) Surety reductions, as approved by the director of environmental engineering may be made in a cumulative amount of not more than 90 percent of the total cost of satisfactorily completed required improvements. Surety reductions based upon the percentage of improvements completed may not occur before the completion of at least 30 percent of the improvements.

The director of environmental engineering shall not execute more than three surety reductions in any 12-month period per bonded subdivision section.

Upon final completion and acceptance of said improvements in residential or residential townhouse subdivisions with streets, the release of any remaining surety shall be subject to the requirements of section 17-74. For the purpose of final release, the term "acceptance" shall be defined as the date of the meeting of the county's board of supervisors (board), at which the board is formally advised of the street acceptance by VDOT and assignment of the state route number(s).

Upon final completion and acceptance of said improvements in residential townhouse subdivisions, the release of any remaining surety shall be subject to requirements of section 17-74. For the purpose of final release the term "acceptance" shall be the date of the written notice to the subdivider of the completion of the required improvements to the satisfaction of the director of environmental engineering.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2241(5).

#### **Sec. 17-74. Maintenance and bonding.**

(a) The subdivider shall be required to maintain and assume liability for the construction and maintenance of all required improvements per section 17-73. This includes but is not limited to snow removal on streets and sidewalks until acceptance of said improvements by the county, state or third party approved by the director of planning.

(b) The subdivider shall be required to provide surety in an amount of ten percent of the cost of the required improvements as approved by the director of environmental engineering, in a form as outlined in section 17-73 to assure the satisfactory maintenance of the required improvements for a period of one year after the date of their acceptance in accordance with section 17-73.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2241(5).

### **DIVISION 2. STREET STANDARDS**

#### **Sec. 17-75. General.**

The purpose and intent of this section is to regulate residential and residential townhouse development in order to maintain or improve the level of service of streets; to minimize the number of access points to streets; to promote the ability of travel between subdivisions; to ensure that the existing and proposed transportation facilities are adequate to accommodate the traffic generated by the proposed development; to ensure that appropriate traffic mitigation measures are provided; to provide appropriate pedestrian circulation networks among residential, residential townhouse, commercial, and recreational areas and public facilities; and to enhance safety and convenience for the public.

Loop, eyebrow loop, residential collector, cul-de-sac and local streets within a subdivision shall, at a minimum, comply with the following VDOT road standards: subdivision street requirements (SSR), 24 VAC 30-9-10 as amended and the VDOT Pavement Design

Guidelines for Secondary Roads as applicable unless otherwise specified herein. All limited access, arterial (principle and minor) and collector streets shall comply with the VDOT Road Design Manual for urban streets.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2241.(2)

**Sec. 17-76. Arrangement.**

(a) Streets shall be designed to ensure proper integration and coordination with other existing, recorded or planned streets within and contiguous to the subdivision. Subdivision layouts shall be arranged to maintain proper relationship to topographical conditions and natural terrain features such as streams and existing vegetation. Streets shall be designed to facilitate public convenience and safety, including adequate access for emergency services equipment. Local streets within residential and residential townhouse developments shall not be used as access to commercial or industrial uses as indicated in chapter 19. The director of transportation shall consult the comprehensive plan when reviewing a proposed street layout.

(b) All streets shall be designed and constructed in accordance with this chapter, the current standards and specifications of the Virginia Department of Transportation, or county standards, whichever are more stringent.

(c) Residential collector streets shall be arranged to:

- (1) Facilitate conformance to the planning commission stub road policy,
- (2) Facilitate traffic circulation from one subdivision to another on non-thoroughfare streets, and
- (3) Require the minimum number of street intersections with arterial and collector streets necessary to provide convenient and safe access to property.

(d) Local streets shall be arranged to:

- (1) Conform to the planning commission stub road policy,
- (2) Discourage speeding and cut through traffic,
- (3) Permit effective stormwater drainage and efficient utility systems,
- (4) Require the minimum number of street intersections with arterial and collector streets necessary to provide safe access to property, and
- (5) Minimize impacts to topographic and environmental features.

(e) The use of residential collector streets, curvilinear streets, cul-de-sacs, or looped streets may be required in conventional subdivision design.

(f) To facilitate orderly development, the necessary rights-of-way and easements for stub streets to provide adequate access to adjacent property (not included in the tentative) shall be dedicated to the boundary lines of the tract to be subdivided, in locations that are compatible with future development of the adjacent tract. This requirement may be waived if, in the opinion of the directors of transportation and planning or the planning commission, such stub streets are not necessary or desirable for the coordination of the layout of the subdivision with the existing streets or the most advantageous future development of adjacent tracts. When the adjacent

property is developed, the subdivider of such property shall extend the streets and utility service to connect with the adjacent existing subdivision unless such connections are waived by the planning commission or director of planning, after review by the directors of transportation and fire, or are in violation of zoning conditions or requirements of this chapter.

(g) The necessary rights-of-way and easements for stub streets to provide adequate access to the adjacent property shall be dedicated at the time a subdivision is recorded.

(h) Subdivisions shall adequately accommodate continuity of streets and shall provide for proper extension to subsequent phases and development of adjacent property, as determined by the director of planning, the director of transportation and the chief of the fire department.

- (1) A local street shall provide sole access to a cumulative total of no more than 50 lots.
- (2) The first street into the subdivision shall be designed and constructed as a residential collector if:
  - a. The number of lots shown on the tentative plat, accessible by only one street, connected to a suitable street with two points of access, is in excess of 50 lots but less than 100 lots, or
  - b. The connection to an adjacent undeveloped parcel as required by section 17-76(g) or existing stub is anticipated to generate traffic volumes in excess of the planning commission stub road policy on any subdivision street, or
  - c. The street is identified on the thoroughfare plan. The street design shall comply with the classification as identified on the plan.
- (3) A second street, providing access to all lots, shall be constructed prior to, or in conjunction with, the recordation of the fifty-first lot unless:
  - (a) A residential collector, collector or arterial street, with only one way in and out, (i.e. a dead end) is proposed to provide access to more than 100 lots. Residential collectors shall be shown to the limit of the tentative and/or parcel line as applicable. Bonding shall not be required for any unbuilt section.
- (4) The director of transportation shall determine the maximum number of lots for which a residential collector, connected to two suitable street(s) with two points of access, may provide access.
- (5)
  - a. Relief to these requirements may be granted at the time of zoning for cases filed prior to November 26, 2002. The requirement for access to any proposed subdivision shall be governed by the conditions of that case.
  - b. Relief to these requirements may be granted at the time of zoning for cases filed after November 26, 2002 with a preliminary tentative plat consisting of an approximate lot and street layout with sufficient documentation that clearly demonstrates:

1. The amount of relief does not exceed the allowable number of lots by more than 25 percent; and
  2. Existing severe topographic, physical or extenuating circumstances exist so that there is no other practical means of providing another access; and
  3. Financial hardship is not the principal reason for the waiver; or
  4. Without granting relief to these requirements traffic on an existing local street will exceed the planning commission's stub road policy as determined by the director of transportation.
- c. After November 26, 2002, relief to these requirements may be granted by the planning commission or director of planning if:
1. Existing severe topographic, physical or extenuating circumstances exist so that there is no other practical means of providing another access; and
  2. Financial hardship is not the principal reason for the waiver.
  3. In addition, the planning commission may grant relief to these requirements if the resultant traffic on an existing local street will exceed the planning commission's stub road policy as determined by the director of transportation.

(i) Subdividers of all parcels or lots located at existing or proposed crossovers, and any break in the median of a divided street, shall submit and receive approval of a plan which addresses access for the surrounding area from the director of transportation, prior to tentative subdivision approval. The director of transportation may require the owner(s) of such parcels or lots to provide access to adjacent properties.

(j) Curb and gutter shall be required on all local streets in all subdivisions, where the average lot has less than 100 feet of street frontage. The calculation excludes those lots fronting on the radial terminus of a cul-de-sac. Curb and gutter installation may be waived, in whole or in part, by the director of planning or planning commission to preserve the existing neighborhood local street drainage method.

(k) The minimum pavement design for all local streets, residential collector streets, private streets, alleys and accessways in any subdivision shall have at a minimum two inches of bituminous concrete including the surface course.

(l) Design standards for arterial and collector streets shall be approved by the director of transportation, except no street shall have a design less than VDOT standards.

(Ord. of 2-21-01, § 1; Ord. of 11-26-02, § 1)

State law references: Code of Virginia, §§ 15.2-2241(2--4).

#### **Sec. 17-77. Access to arterial or collector streets.**

(a) The director of transportation shall approve direct access to arterial and collector streets from subdivisions that border on or contain an existing or proposed arterial or collector



street. Each subdivision shall be limited to one direct access unless an access plan is submitted to and approved by the director of transportation for more than one access.

(b) No lot shall access on an existing or proposed arterial, collector street or residential collector unless approved by the director of transportation.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2241.

#### **Sec. 17-78. Street right-of-way width.**

Right-of-way of all streets shall be determined by the director of transportation; except, that no street shall have a street right-of-way width less than VDOT standards or as identified on the thoroughfare plan.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2241.

#### **Sec. 17-79. Cul-de-sac streets.**

Cul-de-sac streets shall not provide access to more than 50 lots. Cul-de-sac streets with less than 25 lots shall provide a minimum pavement radius of 35 feet. Cul-de-sac streets with greater than 25 lots shall provide a minimum pavement radius of 45 feet.

Temporary turnarounds shall comply with the previous stated pavement radius standards. Temporary turnarounds within the limits of the tentative plat shall, at the direction of the director of environmental engineering, be constructed on easements beyond the limits of the record plat. On temporary turnarounds not so constructed, building setbacks shall conform to dedicated cul-de-sac standards.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2241.

#### **Sec. 17-80. Street intersections.**

(a) Street intersections along one side of an existing or proposed street shall align with any existing or proposed intersections on the opposite side of such street unless otherwise approved by the director of transportation and VDOT. Street jogs with centerline offsets of less than 150 feet shall be prohibited. Where streets intersect arterial or collector streets, their alignment shall be continuous or separated by a distance between centerlines as determined by the director of transportation.

(b) Alley intersections with streets shall be constructed to VDOT entrance standards.

(c) At any street intersection sight distance easements per VDOT standards may be required.

(d) Adequate paved radii shall be provided at all intersections. Generally in conventional subdivision design the minimum corner radius shall be 35 feet for local streets and 50 feet for other streets. In nonconventional subdivisions, the minimum turning radii shall be approved by the fire chief, director of transportation and VDOT based upon a demonstrated ability to provide for adequate emergency vehicle access.

(e) Local streets shall intersect with residential collector streets or with the street that provides primary access to the subdivision at a point beyond the vehicle stacking area of the intersection of that street with an arterial or collector street.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2241.

#### **Sec. 17-81. Alleys.**

(a) Dead-end alleys are prohibited unless adequate turnaround facilities are provided at the terminus.

(b) Alleys are not required by the county and therefore shall not be dedicated as right-of-way. They shall be shown as common area or in a form approved by the directors of planning and transportation and owned and maintained by a homeowners' association as specified in section 19-559.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2241.

#### **Sec. 17-82. Sidewalks.**

Subdividers shall provide sidewalks in accordance with the planning commission residential sidewalk policy on all streets where they qualify for VDOT or county maintenance, and any additional or other locations if required as a condition of zoning. Exceptions to the planning commission residential sidewalk policy shall be at the discretion of the planning commission or directors of transportation and planning.

Sidewalk requirements shall be determined through the tentative subdivision process unless otherwise determined by the county. The sidewalks shall be shown on the tentative plat and the overall conceptual plan, as applicable. Construction may be phased as approved by the county, but as a minimum, shall be bonded and constructed with each section recorded through which the sidewalk passes.

The subdivider shall construct all required sidewalks per the residential sidewalks requirements and procedures. Where sidewalks qualify for maintenance by VDOT or the county, they shall be designed and installed in accordance with VDOT subdivision street requirements. For all private sidewalks, the subdivider shall demonstrate a design and long term maintenance responsibility in accordance with section 19-559.

(Ord. of 2-21-01, § 1)

### **DIVISION 3. LOT AND PARCEL STANDARDS**

#### **Sec. 17-83. Minimum requirements.**

(a) In general, the size, shape orientation, and soils of lots and parcels shall be appropriate for the location of the subdivision and for the type of development. Lot dimensions shall conform to the requirements of chapter 19 or conditions of zoning approval.

(b) Lots and parcels to be served by onsite wastewater disposal systems shall comply with the rules of the health department and the provisions of section 17-84 and chapter 12 of this Code.

(c) If a subdivision borders on or contains an existing or proposed arterial or collector street, the director of transportation may require the subdivider to limit access to said street(s) requiring a local street design utilizing a series of cul-de-sacs and/or loop streets. The lots shall only be entered from such a local street, and a buffer as required in section 17-70 shall be provided along the lot lines adjacent to the arterial or collector street.

(d) Where lots are permitted to front on an arterial, collector or residential collector street as provided for by section 17-77, the minimum building setback line shall be increased by an additional 25 feet, except where a specified distance is approved by conditions of zoning.

(e) Lots and parcels shall be laid out so as to enable positive drainage to be provided away from all buildings. Individual lot and parcel drainage shall be coordinated with the general stormwater drainage pattern for the area. Drainage shall be designed so as to avoid concentration of stormwater discharging into inappropriate receiving areas within lots. The director of environmental engineering may require the subdivider to depict the building envelope as established by a professional engineer on the final check and record plats.

(f) Lots and lot lines shall comply with the following standards:

- (1) All lots shall be buildable lots with at least one building envelope.
  - (2) Lots at right angles to each other shall be avoided where possible.
  - (3) Double frontage lots are permitted only when one street frontage incorporates a buffer or where required to overcome specific disadvantages of topography.
  - (4) Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.
  - (5) Lots shall not contain isolated remnants separated from the major portion of the lot by a creek or drainageway which would be unusable for normal purposes unless located on the perimeter of the tract.
  - (6) Corner lots shall be of sufficient width to provide the applicable front/corner yard setbacks.
  - (7) Side lot lines shall be approximately at right angles or radial to street lines.
  - (8) The building envelope shall be within county boundary lines and within a single zoning case boundary.
- (g) Parcels and parcel lines shall comply with the following standards:
- (1) All parcels shall be buildable parcels with at least one building envelope.
  - (2) Parcels at right angles to each other shall be avoided.
  - (3) Double frontage parcels shall be avoided.
  - (4) Parcels shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.

- (5) Parcels shall not contain isolated remnant separated from the major portion of the lot by a creek or drainageway.
- (6) Corner parcels shall be of sufficient width to provide the applicable front/corner yard setbacks.
- (7) Side lot lines shall be approximately at right angles or radial to street lines.
- (8) The building envelop shall be within county boundary lines and within a single zoning case boundary, if applicable.

(h) Flag lots shall be designated during the review of the tentative plat. The director of planning may require the subdivider to establish the location and orientation of residences located on and abutting flag lots for determining lot size compliance. The narrowest portion of any flagpole, pipestem or other nomenclature for the narrow access portion of the lot shall be 30 feet. This portion of the lot is not considered buildable. The lot area requirements shall be met in the buildable portion of the lot. Flag lots shall only be utilized to protect or limit impacts to environmental or historic resources.

- (i) (1) All lots that receive tentative approval after November 12, 2003, and which are substantially divided by environmental features such as wetlands, RPA's, or floodplains with a combined drainage basin exceeding fifty (50) acres, shall contain a minimum contiguous area of not less than 9,000 square feet that is:

- a. exclusive of the environmental features, and
- b. located adjacent to the required street frontage and between the street frontage and the environmental features.

- (2) For purposes of this subsection, a lot shall not be considered to be substantially divided if an existing natural and continuous accessway, a minimum of fifteen (15) feet in width, provides access from the front of the lot to any proposed building envelope that is not adjacent to the street frontage.

- (3) The requirements of this subsection shall not apply to:

- a. residential townhouse lots,
- b. lots that are permitted by zoning conditions to be less than 9,000 square feet, provided that the lot contains a minimum contiguous area equal to or greater than the minimum lot size required by the zoning conditions, and
- c. lots where:
  - i. the United States Army Corps of Engineers and any state regulatory agency having jurisdiction approves a crossing of the environmental features, and
  - ii. the minimum contiguous area exclusive of the environmental features is not less than 9,000 square feet, and

- iii. the minimum contiguous area is located on that portion of the lot that is connected by the crossing. The size of drainage structures for any such crossing shall also satisfy the requirements of the Department of Environmental Engineering's Reference Manual.

(Ord. of 2-21-01, § 1)

State law references: Code of Virginia, § 15.2-2241.

**Sec. 17-84. Standards for lots and parcels served by onsite sewage disposal systems.**

(a) All subdivisions for which residential zoning was obtained prior to February 23, 1989 utilizing onsite sewage disposal systems shall comply with the bulk requirements in place at the time of zoning and the requirements of section 17-84(b)(5)--(7). Lots which were recorded after January 1, 1991 and prior to February 28, 2001 shall comply with section 17-84(b)(1)--(4).

(b) All lot subdivisions for which residential zoning was obtained after February 23, 1989 utilizing onsite sewage disposal systems and have not been recorded shall comply with the following:

- (1) The average lot size shall be no less than 40,000 square feet.
- (2) At least 90 percent of the lots shall be at least 40,000 square feet in size.
- (3) The minimum lot size shall be 30,000 square feet in size.
- (4) All lots shall have a minimum lot width of 120 feet measured at the building line.
- (5) At the time of submission of construction plans, the subdivider shall submit a report from a certified soil scientist or an authorized onsite soil evaluator to the director of the health department certifying that all onsite sewage disposal system sites on lots within the subdivision comply with the board of health and county ordinances which regulate onsite sewage disposal systems. The Chesterfield local health department shall enforce this subsection and other applicable sections of the Code as relating to onsite sewage disposal system requirements of the commonwealth. The certified soil scientist or authorized onsite soil evaluator shall provide a report for each proposed lot which at a minimum contains:
  - a. Information on borings for no less than three holes in the proposed drainfield site if the profile is uniform.
  - b. A description of the soil characteristics at the proposed system site, with soil profiles to a minimum depth of five feet for each of the holes.
  - c. An estimated percolation rate of the soils at the proposed drain field depth.
  - d. The scaled location of the proposed sewage disposal system and drain field, the reserve site, and the proposed buildable footprint on the lot.
  - e. A recommended installation depth of the proposed system.
  - f. The slope of the proposed drain field area.
  - g. Depth to rock or impervious strata.
  - h. Depth to seasonal water table.

- i. Maximum projected sewage flow for the proposed lot. If design restrictions are imposed on the lot, they shall appear on the final check and record plats.
- (6) The subdivider shall provide sufficient information regarding the location of the proposed onsite sewage disposal drain field sites for an agent of the county to field verify the findings of the certified soil scientist or onsite soil evaluator. The sites shall be well marked on the lot. At the request of the director of the health department, the certified soil scientist or the site soil evaluator shall accompany the agent of the county to the proposed primary and secondary system sites and locate them. In conjunction with submission of the construction plans, the subdivider shall submit a home site planing layout prepared by the certified soil scientist for review and approval by the director of the health department. Construction plans shall show all construction limits that are outside the limits of the right-of-way. The record plat will not be approved until the onsite review is completed. The director of the health department shall advise the director of environmental engineering when the record plat may be signed.
- (7) Disposal sites shall not encroach on or be encroached on by easements, RPAs, buffers or construction limits of streets.
- (c) No subdivision of land within the Southern and Western Area Plan for which residential zoning is obtained after June 23, 1993 may utilize onsite wastewater disposal systems unless all lots in such subdivision are at least one acre in size and located in those areas designated in the county's comprehensive plan for single-family residential use in the lowest density category. (Areas on the Southern and Western Area Plan suggested for 1 to 5 acre lots suited to R-88 zoning.)
- (d) No subdivision of land within the Matoaca Village Plan for which residential zoning is obtained after June 23, 1993 may utilize onsite wastewater disposal systems unless all lots in such subdivision are at least one acre in size and located in those areas designated in the county's comprehensive plan for single-family residential use in the lowest density category. (Areas on the Matoaca Village Plan suggested for 1 to 5 acre lots suited to R-88 zoning.)
- (e) No subdivision of land within the Ettrick Village Plan for which residential zoning is obtained after November 12, 2003 may utilize onsite wastewater disposal systems unless all lots in such subdivision are at least one acre in size.
- (f) No subdivision of land within the Route 288 Corridor Plan for which residential zoning is obtained after May 25, 1999 may utilize onsite wastewater disposal systems unless all lots in such subdivision are at least one acre in size and located in those areas designated in the county's comprehensive plan for single-family residential use in the lowest density category. (Areas on the Route 288 Corridor Plan suggested for residential (1 dwelling or less per acre).)

Cross references: Septic tanks and septic systems, §§ 12-11 et seq.

State law references: Code of Virginia, § 15.2-2242.

**Secs. 17-85--17-91. Reserved.**